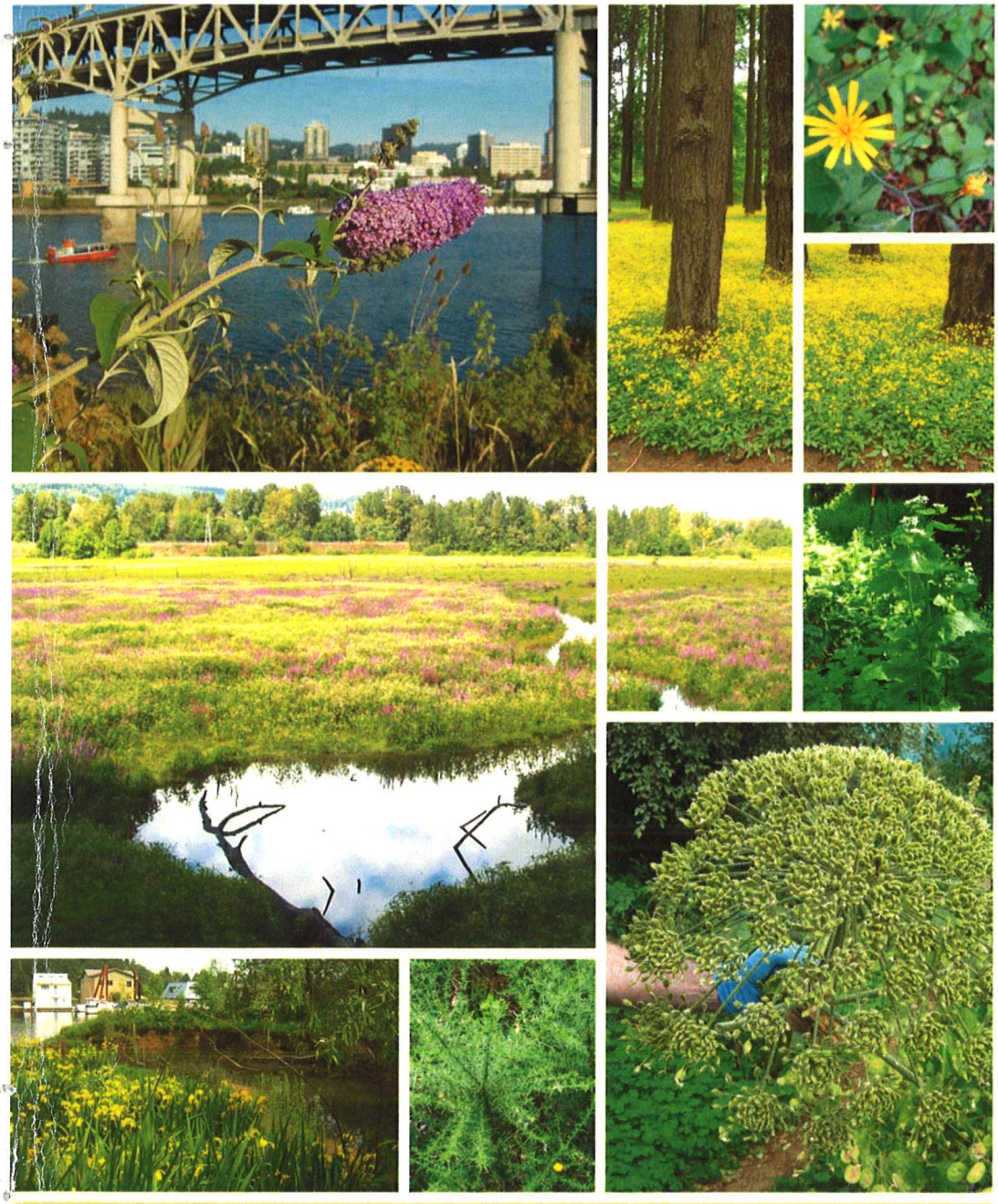
Planning Commission



Examples of Invasive Plants of Portland

Recommended Report to City Council

January 15, 2010

Invasive Plant Policy Review and Regulatory Improvement Project

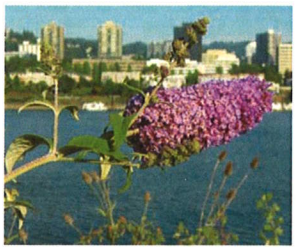
City of Portland
Bureau of
Planning and Sustainability
Sam Adams, Mayor
Susan Anderson, Director

ENVIRONMENTAL SERVICES
CITY OF PORTLAND
working for clean rivers
Dan Saltzman, Commissioner in Charge
Dean Marriott, Director

183534

Invasive Plants of Portland

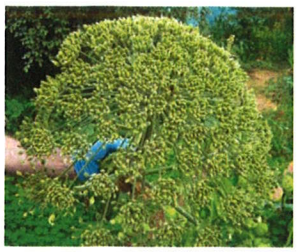
(identification of cover photos)



Butterfly bush
Buddleia davidii

Common hawkweed
Hieracium vulgatum

Garlic mustard
Alliaria petiolata



Giant hogweed
Heracleum mantegazzianum

Gorse
Ulex europaeus

Yellow flag iris
Iris pseudacorus

Purple loosestrife
Lythrum salicaria

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If you need special accommodation, please call 503-823-7700, the City's TTY at 503-823-6868, or the Oregon Relay Service at 1-800-735-2900.

For more information about the **Invasive Plant Policy Review and Regulatory Improvement Program,** please contact:

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A digital copy of this report can be found at:
http://www.portlandonline.com/bps

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Amanda Fritz, *Commissioner*
Randy Leonard, *Commissioner*
Dan Saltzman, *Commissioner*

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Contributors are from Oregon unless otherwise noted.

Special thanks to those listed above and to all who participated in the project by discussion, coordination, research, review, comment, and other efforts.

183534

City of Portland
Bureau of
Planning and Sustainability

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January 11, 2010

Mayor Sam Adams and Members of Portland City Council
Portland City Hall
1221 SW Fourth Avenue
Portland, OR 97204

Dear Mayor Adams and Members of Portland City Council:

On November 10, 2010, the Portland Planning Commission voted unanimously to recommend adoption of the **Invasive Plant Policy Review and Regulatory Improvement Project**, which includes amendments to the Portland Plant List, Portland City Code Title 29, Property Maintenance Regulations, and Title 33, Planning and Zoning. We heard from three testifiers and received 13 letters of testimony supporting the City's thorough and necessary work. During the discussion of public involvement City staff readily agreed to continue to work with neighbhorhood groups and any others who might request briefings in the future.

We appreciated the opportunity to review this City plan that comprehensively addresses the serious issue of invasive plants that crowd out trees, spread forest fires and create other potential hazards in our community. Our responsibility is to oversee land use regulations and policies related to planning, transportation, housing, and the environment. As stewards of the Comprehensive Plan and eventual Portland Plan, we praise the City's efforts to collaborate internally as well as with agencies, businesses and others to address multi-faceted issues.

The Planning Commission recommends adoption of this project that supports the City's Invasive Plant Management Strategy. *We base our recommendation on the following:*

- *Extensive Public Outreach* – Staff assured us they worked with internal staff, interest groups and agencies. In addition, staff provided notice and opportunities for input on the project to the public.
- *Consideration of Impacts on Public and Private Property Owners* – We support authorization of the Portland Plant List as an administrative rule because we feel responsiveness and flexibility will be important to help residents and agencies comply with requirements for removal of certain plants and restoration efforts. The Portland Plant List plus changes to City regulations will assist decision-making regarding removal of plants and restoration efforts.
- *Trained Staff and Sufficient Funding* – We believe changes reflect an effective strategy that relies on trained staff, free assistance to citizens for certain plant removal efforts, and widespread p*ublic education.*
- *Comprehensive Plan / Portland Plan* – As stewards of the City's comprehensive planning rules and policies, we urge further collaborative work among City offices and agencies and comprehensive approaches to multi-faceted issues such as prioritized management of invasive plant contamination.

In summary, we applaud the application of science in support of sound public policy. We thank you for your consideration of our recommendation.

Very truly yours,

Michelle Rudd, Vice President
Portland Planning Commission

City of Portland Bureau of
Planning and Sustainability
Sam Adams, Mayor | Susan Anderson, Director

Invasive Plant Policy and Regulatory Improvement Project

Table of Contents

Summary

Introduction

The Invasive Plant Policy Review and Regulatory Improvement Project is an effort to improve the City's policies, regulations and procedures related to management of invasive plants. The project is funded by the Bureau of Environmental Services (BES), and led by the Bureau of Planning and Sustainability (BPS).

Context

As a follow up to City-sponsored town hall meeting on invasive species in November 2005, the City Council passed Resolution No. 36360 which required the City to develop a three year work plan and ten year goals to reduce noxious weeds within the city.

In response to Resolution No. 36360, BES led a multi-bureau effort to develop a city-wide invasive species management strategy. The Invasive Plant Management Strategy (Strategy) was published in November 2008. On August 26, 2009, the City Council approved Resolution No. 36726, which established the Strategy as the City's management plan on invasive plants.

The Strategy calls for numerous actions including protecting the highest value City natural areas; preventing the establishment of new plant invaders; integrating invasive plant management policies into the City's Comprehensive Plan; and updating invasive plant regulations in existing City codes.

What Will the Project Change?

The Invasive Plant Policy Review and Regulatory Improvement Project has four components that focus on actions identified by the Strategy.

- *Update the Portland Plant List (PPL) to include priority ranks and guidance regarding invasive plants.* Staff proposes revisions to the *PPL* to inform City and community invasive species management activities, program development, and priority setting.

- *Evaluate opportunities to improve invasive plant control through development and non-development situations, including updates to City codes and rules.* Staff has evaluated City codes to establish code and policy to effectively manage invasive plant species in development and non-development situations.

- *Coordinate with the Portland Plan project to ensure that invasive species are addressed in the Comprehensive Plan update and the Portland work plan.* Through the Portland Plan, the City should establish clear and ambitious policies and objectives to help advance the invasive species management strategy. Policies relating to invasive plants should be addressed in the contexts of public health, safety, environment, and economy.

- *Research the feasibility of establishing a local noxious or invasive weed law.* Staff is analyzing the legality and the potential benefits, costs, and impacts of establishing a local noxious weed law. Staff has also researched similar laws in other jurisdictions.

What Documents are Attached?

The Report and Recommendations to City Council is comprised of the documents related to the four project components.

The Project Overview Report provides a detailed description of each of the project components, and recommendations. The recommendations address codes and technical documents used by multiple City bureaus and citizens. Specifically, changes are recommended for the Zoning Code (Title 33), the Property Maintenance Regulations (Title 29), the *Portland Plant List,* the *Erosion Control Manual*, the *Stormwater Management Manual*, and the *Tree and Landscaping Manual.* Recommendations also evaluate the feasibility of establishing a City noxious weed law. In some situations, ideas and suggestions were explored and are identified for future research and projects.

The proposed changes to the Zoning Code, with commentary explaining the proposed changes, primarily involve clarifications of existing language related to removal of invasive plants in conjunction with City-required landscaping and mitigation as part of a land use review. An additional provision is proposed to require removal of invasive plants and replanting with natives to compensate for disturbance within the Environmental Overlay Zone and the Pleasant Valley Natural Resources Overlay Zone. Coordination efforts have been made with the Citywide Tree Project and the River Plan/North Reach project staff to ensure that changes for this project are consistent with the changes proposed in the other two projects.

Substantial changes are proposed to the existing text and organization of the *Portland Plant List.* In addition, the Nuisance Plant List and the Prohibited Plant List have been consolidated into one list called the Nuisance Plants List. Forty-three plant species have been added to the list, and twenty-three plant species have been removed from the list. A priority rank has been assigned to each of the plant species on the Nuisance Plant List. These ranks have been established to inform the development and implementation of management activities and regulations. Information added after the 2004 update and printing of the *Portland Plant List*, which has been available on the City's web page, will be included in this revised *Portland Plant List.*

The Planning Commission recommends that the *Portland Plant List* be "reauthorized" by the City Council as an administrative rule. This would affirm the role of the *Portland Plant List* as a technical document similar to the City's other technical documents such as the *Erosion Control Manual* and the *Stormwater Management Manual.* As an administrative rule, the *Portland Plant List* can be updated regularly and as new scientific information emerges. The process to update administrative rules includes an opportunity for public input, but it is more streamlined and less costly than the City's legislative review process.

Two amendments are made to Title 29 Property Maintenance Regulations. The first amendment is the addition of code requiring eradication of specified plants on the Nuisance Plants List, Required Eradication List. There are fifteen plants on this list. The new code provision will be added to Section 29.20.010.G. The second amendment is addition of the definition of eradication, which will be added to Section 29.10.020.V. The purpose of these changes to Title 29 is to promote removal of invasive plants that are not yet widespread in the City. Taking a preventive approach will reduce risks to public health and the environment, and prevent future costs.

Administrative rules for the "Nuisance Plants Required Removal Program" have been drafted to establish and describe the processes and responsibilities for the Bureau of Environmental Services and the Bureau of Development Services related to the implementation of the required eradication of plants on the Nuisance Plants List, Required Eradication List. The authorizing code in Title 29 allows the City to initiate abatement procedures if eradication cannot be accomplished using

voluntary measures and technical assistance from the City. In addition, an intergovernmental agreement between the City of Portland and Multnomah County has been drafted for the implementation of the Title 29 provisions.

The Financial Impact Statement for Council Action Items has been completed as required. Minor fiscal impacts are anticipated because the existing budgeted positions and responsibilities are identified to accommodate the project proposals. For example, the 0.5 position for a dedicated, trained plant specialist to inspect landscape and mitigation sites, to monitor for invasive plant recurrence, and to assist in abatement as necessary is identified in the BES Grey to Green budget for FY 2010-2013.

Copies of the letters submitted to the Planning Commission are included in this report. In addition, a list of City stakeholder involvement actions is included.

Planning Commission Recommendation

The Bureau of Planning and Sustainability, in conjunction with the Bureau of Environmental Services, is seeking the City Council's approval of amendments that affect Title 33 Zoning Code. The Planning Commission also recommends that City Council adopt the ordinance associated with these changes.

It is the responsibility of the Planning Commission to make recommendations on land use policies and codes to the City Council. The Planning Commission notes that for this project, only proposed amendments to Title 33 Zoning Code and to the *Portland Plant List*, and potential future changes to the Comprehensive Plan (in conjunction with the Portland Plan) relate directly to land use policies. Hence, these are the land use policies and codes that the Planning Commission voted upon, and that vote is a recommendation of approval to City Council.

The project components are interrelated and intended to be synergistic. Proposed changes to Title 29 Property Maintenance Regulations and associated administrative rules were provided to the Planning Commission so the Commission could become familiar with the full scope of the Invasive Plant Policy Review and Regulatory Improvement Project. While the Planning Commission does not have an official advisory role in the review of non-land use actions, the review of the full project package helped inform the Commission's recommendation of approval of the project to City Council.

The changes to the *Portland Plant List*, as described within the *Portland Plant List* (an existing ordinance) must be approved by City Council. In addition, the changes to Title 29 Property Maintenance Regulations must be approved by City Council. The "Intergovernmental Agreement to Provide for the Coordinated Regulation and Management of Invasive Plants Between City of Portland and Multnomah County" must be approved by City Council. The Council Financial Statement is required to be included; it addresses potential fiscal impact concerns. The administrative rules for the "Nuisance Plants Required Removal Program" are not subject to a vote by City Council. These administrative rules are included to facilitate adoption of the rules by the Bureau of Environmental Services and the Bureau of Development Services.

Invasive Plant Policy and Regulatory Improvement Project Overview

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Introduction

Invasive plants are a problem that has become more serious in the City of Portland, and in many other Pacific Northwest cities and counties. The proliferation of invasive plants results in environmental and economic impacts. For example, invasive plants can reduce tree health and longevity, create fuel sources for wildfires, and can outcompete and displace native plants that provide food and cover for native wildlife. Removal of invasive plants and replanting with non-invasive plants can be time-consuming and expensive.

Prevention of invasive species, both plants and animals, could entail efforts to prohibit the sales and transportation of certain plants and animals. For example, the City of Chicago established a bold law in May 2007 that prohibits the sales of certain invasive plants and animals, both terrestrial and aquatic. However, the City of Portland does not limit the sales and transportation of invasive plants and animals.

Nursery sales are regulated by the Oregon Department of Agriculture (ODA) under administrative rule (OAR 603-052-1200). This rule prohibits import, transport, propagation or sale of select "A" and "B" State listed noxious weeds and plants on the Federal Noxious Weed List (7 C.F.R. 360.200). The City of Portland does not have jurisdiction to regulate nursery sales or agricultural commodities in Oregon, but the City can regulate the types of vegetation planted.

Some of the plants on the ODA noxious weed list are included in the City's Nuisance Plants List; these plants would remain subject to OAR 603-052-1200. The City of Portland has made managing invasive plants a priority and has established programs, regulations, and policies accordingly. In addition, the City focuses efforts on education and outreach, working with the nursery and seed industry, and other actions such as establishing and funding the Early Detection and Rapid Response program, to prevent invasive species.

Background

The City of Portland has long-recognized invasive plants as a problem. In 1991, the City published the *Portland Plant List* which contains three lists: a Native Plants list, a Nuisance Plant List and a Prohibited Plant List. Nuisance and prohibited plants were not allowed to be planted in Environmental Overlay Zones and in Greenway Overlay Zones. At that time, the City also established that prohibited plants were not allowed in City-required landscaping anywhere in the City. In July 2005, the City updated that provision to state nuisance plants and prohibited plants are not allowed in City-required landscaping anywhere in the City. In 2005, the Pleasant Valley Natural Resources Overlay Zone provisions were added to the Zoning Code. Nuisance and prohibited plants are not allowed to be planted in the Pleasant Valley Natural Resources Overlay Zone.

The Portland City Council adopted the Portland Watershed Management Plan (PWMP) in 2005 to guide City decisions and projects by providing a comprehensive approach to restoring watershed health. The detrimental impacts of invasive plants were identified in the PWMP.

On November 7, 2005, the City held a town hall meeting on invasive species. As a follow up to the meeting, on November 30, 2005, the City Council passed Resolution No. 36360 which required the City to develop a three year work plan and ten year goals to reduce noxious weeds within the City. The resolution states "be it further resolved: that the City of Portland will support invasive weed management efforts within City bureaus…"

In response to Resolution No. 36360, the Bureau of Environmental Services led a multi-bureau effort to develop a citywide invasive species management strategy (*http://www.portlandonline.com/bes/index.cfm?c=45696*). The final document, the Invasive Plant Management Strategy (Strategy), was published in November 2008. The Strategy calls for numerous actions including protecting the best parks habitat; preventing the establishment of new plant invaders; integrating invasive plant management policies into the City's Comprehensive Plan; and incorporating new invasive plant regulations into existing City codes.

On August 26, 2009, the City Council adopted Resolution No. 36726, the Invasive Species Resolution. This Resolution adopts the November 2008 Invasive Plant Management Strategy to guide work within all bureaus related to invasive plants, from the present until 2020. The Resolution sets forth that the City owned and managed lands are kept free of rank "A" nuisance species, that the spread of rank "B" nuisance species is limited, and that rank "C" nuisance species are removed as funds are available. Actions for each bureau are identified in the Resolution, with additional details in the Strategy.

To implement certain recommendations in the Invasive Plant Management Strategy, the Bureau of Environmental Services is funding the Bureau of Planning and Sustainability (BPS) to lead an evaluation of City policies and rules relating to invasive plants, and to make recommendations for potential updates and improvements. The evaluation is called *the Invasive Plant Policy and Regulatory Improvement Project.*

The project includes these four components.

Component 1: Update the *Portland Plant List* (*PPL*) to include priority ranks and guidance regarding invasive plants. Staff proposes revisions to the *PPL* to inform City and community invasive species management activities, program development, and priority setting.

Component 2: Evaluate opportunities to improve invasive plant control through development and non-development situations, including updates to City codes and rules. Staff has evaluated City codes to determine how they could be used more effectively to manage invasive plant species.

Component 3: Coordinate with the Portland Plan project to help ensure that invasive species are addressed in the Comprehensive Plan update and Portland Plan work plan.

Component 4: Research the feasibility of establishing a local noxious or invasive weed law. Staff is analyzing the legality and the potential benefits, costs, and impacts of establishing a local noxious weed law.

It should be noted that the invasive plants that are regulated by the City of Portland are referred to as nuisance plants. Recommendations emerging from this project are now entering the legislative process to amend the Zoning Code, other City codes, and the *Portland Plant List.* Future changes to technical documents, such as the *Erosion Control Manual*, are recommended but are not part of this legislative process.

These four project components are described in more detail below.

Component 1: Update the *Portland Plant List* (*PPL*) to Include Priority Ranks and Guidance Regarding Invasive Plants

Currently, the *Portland Plant List* is comprised of the Native Plants List, the Nuisance Plant List, the Prohibited Plant List, and an introductory text that describes plant communities. The *Portland Plant List* was last updated

in March 2004. The City's invasive species management strategy includes updating the *Portland Plant List* to help meet City goals. Proposed changes to the *Portland Plant List* include the following items.

1A: Providing Additional Context, Guidance and Information on Invasive Plants

There are 163 plant species on the City's adopted Nuisance Plant List and the Prohibited Plant List in the *Portland Plant List.* Yet, the *Portland Plant List* contains little information about why the plants are so troublesome, or why the City has a prohibition on planting them in certain areas. Through this project, the City is updating the *Portland Plant List* to provide information about the characteristics and impacts associated with invasive plants. Text in existing sections is revised to include a description of native plants, non-native plants, and the non-native nuisance and prohibited plants. Sections such as the "Introduction," "The Lists," and "History" are re-organized and/ or re-located within the *Portland Plant List.* A new chapter describes the nuisance and prohibited plants, including the definition and assignment of priority ranks as described below. The *Portland Plant List* is revised to reflect the changes in terminology.

Staff also combines the existing Nuisance Plant List and the existing Prohibited Plant List into a single list called the Nuisance Plants List. The plants are grouped by their priority rank ("A-D", "W"). This simplification is appropriate since the City regulates the plants on both lists in the same manner. In addition, the term "prohibited" is confusing because the City does not have the jurisdiction to prohibit the sale of these plants. A plant on the Nuisance Plants List can typically be referred to as a nuisance plant or as a plant on the Nuisance Plants List. References in the *Portland Plant List*, the Zoning Code, and other City documents will be amended to reflect the change in terminology.

1B: Updating Listed Plant Species

Proposed changes to the Nuisance Plants List include removing species (23) and adding species (43). The changes are based on a growing understanding of invasive plants, the recognition of the impacts of invasive plants, the recognition of uses of these plants in erosion control measures, and changes to plant names. These changes have been reviewed and reflect input by local and regional plant experts and stakeholders from City bureaus, agencies, industry, and non-profits. The updated "City of Portland Nuisance Plants List" is provided in the Appendices as part of the *Portland Plant List.*

1C: Assigning Plant Priority Ranks to the Nuisance Plants List

Plants on the Nuisance Plants List can be considered invasive plants. However, some species are more aggressive than others on the list. Some species are already widespread throughout Portland and the metropolitan region, while others are just beginning to emerge here and the spread of these plants could be prevented if detected early. The City of Portland Invasive Plant Management Strategy emphasizes early detection and eradication of invasive plants that are not yet widespread. The Bureau of Environmental Services has established the Early Detection and Rapid Response Program to advance this goal. To further inform and support these management priorities, the City proposes to assign specific priority ranks to the plants on the Nuisance Plants List.

The State of Oregon Department of Agriculture has established priority ranks ("A", "B" and "T") for noxious weeds. The 4 County Cooperative Weed Management Area (CWMA for Multnomah, Washington, Clackamas and Clark counties) has also developed priority ranks ("A-F", "W", "H") for invasive plants in the region. These

existing ranking systems have been reviewed and refined by City staff from the Bureaus of Environmental Services, Parks and Recreation, Water, and Planning and Sustainability for application to the City of Portland Nuisance Plants List. The ranks indicate the current, relative distribution and extent of the plant in the region.

Proposed ranks are defined as follows:

A These species are known to be invasive. These species are known to occur but are not widely distributed in the region. Distribution is limited to a few sites. They spread rapidly and they are difficult to control once they become widespread.

B These species are known to be invasive. These species are known to occur in the region. They are more abundant and widely distributed than A; however, the distribution is still limited to patches or specific habitats. Distribution is not as widespread as C plants. These plants can spread rapidly and are difficult to control once they become widespread.

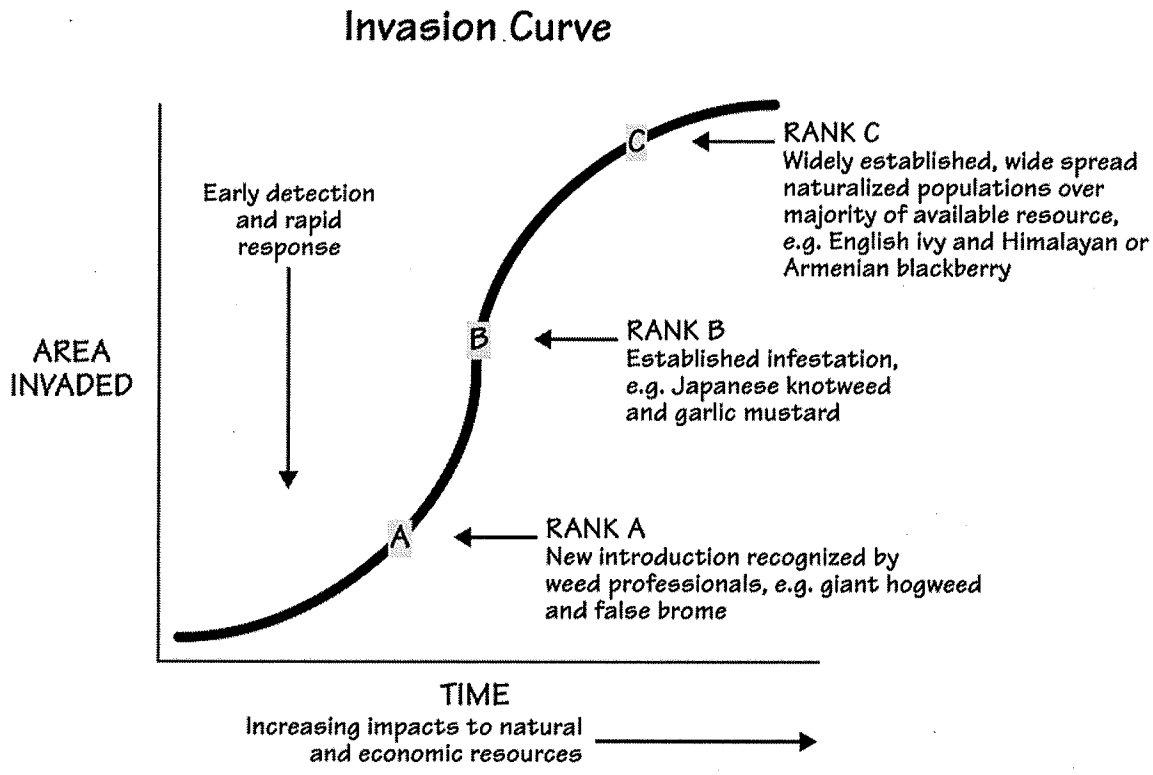
C These species are known to be invasive. These species are widely distributed and abundant throughout the region. Their distribution is already very extensive throughout the natural areas and they are difficult to control once they become widespread. These plants are considered ubiquitous.

D These species are known to be less aggressive than A, B, and C species. These species are known to occur in the region. These plants persist in the ecosystems with native species and therefore, have less impact on the system than the A, B, and C species.

W Watch species. Species occurrence and distribution should be monitored for presence and/or to determine the level of invasiveness in the region.

The proposed ranks will serve as a tool in setting priorities for invasive plant management. Plants that are locally abundant and widely distributed are identified with ranks "C" or "D", while those plants that are not as abundant are identified with ranks "A" or "B". Rank "A" plants are a top priority for control and removal, while rank "D" plants tend to pose less threat to ecological functions.

If the plant has a limited distribution, it is easier to eradicate than if it has a widespread distribution. The diagram below, the Invasion Curve, illustrates this point. When early detection of a plant is achieved, focus on control and eradication can occur. Removal takes less time and money, and is more successful because the native plant community is still intact. As time progresses, the plant becomes widely distributed and abundant throughout the region. It becomes more expensive and time-consuming to control and eradicate the plant. Plus, at this later stage, eradication must be coupled with restoration of the native plant community.



1D: Establishing Definitions

In addition to the priority ranks identified and defined above, the updated *Portland Plant List* will also contain new definitions. Proposed definitions are as follows:

Eradication. Eradication is the removal of the entire nuisance plant – including the above ground portion of the plant, and the roots, shoots and seeds of the plant. The eradication provisions apply to those plants on the Nuisance Plants List, Required Eradication List.

Invasive. Those species that spread at such a rate that they cause harm to human health, the environment and/or the economy. In natural areas, invasive plants are those species that left unchecked could displace native plants and become the dominant species in that vegetation layer. Invasive plants can halt successional processes by limiting the establishment and the growth patterns of native species, and or by changing environmental conditions.

Nuisance Plants List. The Nuisance Plants List is a portion of the City's *Portland Plant List* that identities undesirable species of plants that are considered invasive in this region. Some plants may be toxic and pose health risks to humans, pets, or livestock. These species may not be planted within the Environmental Overlay Zone, the Greenway Overlay Zone and the Pleasant Valley Natural Resources Overlay Zone. These species may not be planted within City-required landscaped and mitigation areas. The Required Eradication List is part of the Nuisance Plants List.

Region. The region includes the four counties, and the associated cities, of Multnomah, Clackamas, Washington counties in Oregon, and Clark County in Washington. These entities are part of the 4 County Cooperative Weed Management Area (CWMA).

Nuisance Plant Removal. Removal may entail actions such as the removal of: roots, the above ground portion of the plant, and/ or the seeds of the plants such that existing non-nuisance and/or newly installed plants are able to grow and survive. The non-nuisance plants are maintained free of nuisance plants. The City's nuisance plants are identified on the Nuisance Plants List.

1E: Establishing the *Portland Plant List* as an Administrative Rule

Currently the *Portland Plant List* is a blend of City code and administrative rule. The Native Plants List and the Nuisance Plant List can be amended through an administrative procedure; these changes may occur relatively quickly to reflect new information. Amendments to the informational portion of the document or the Prohibited Plant List must be approved through a lengthy legislative process with public hearings before the Planning Commission and City Council.

The City proposes that the *Portland Plant List* be re-established as administrative rule to better reflect its role as a technical document similar to the City's *Erosion Control Manual* and the *Stormwater Management Manual.* This will allow the document to be updated more regularly and as needed to reflect emerging scientific information regarding plants in the region. The revised *Portland Plant List* describes the steps to amend to the Native Plant List, the Nuisance Plants List (the renamed and consolidated list of what are currently referred to as nuisance and prohibited plants), and the informational portion of the document.

The public can request changes to the list or changes to the ranks at any time by sending a written request to BPS. Potential amendments might be collected over a period of time and processed in batches, depending on the nature of the changes and resource availability. BPS will inform key stakeholders; for example, but not limited to neighborhood associations and others, of potential changes and provide reasonable opportunity for review and comment. Potential modifications to the listed species and ranks will be reviewed by at least three or more knowledgeable people with botany, biology, landscape architecture, or other qualified backgrounds. BPS will coordinate the review process, and will make the final decision on the proposed changes.

Component 2: Evaluate Opportunities to Improve Invasive Plant Control in Development and Non-Development Situations, including Updates to City Codes and Rules

The City's Invasive Plant Management Strategy calls for leveraging the City's regulatory authority to advance the removal and management of invasive plants in conjunction with development and in non-development situations. As such, this project has involved an evaluation of City titles including but not limited to: Title 10, Erosion and Sediment Control Regulations; Title 13, Animals; Title 17, Public Improvements; Title 24, Building Regulations; Title 29, Property Maintenance Regulations; and Title 33, Zoning Code. The *Erosion Control Manual*, the *Stormwater Management Manual*, the *Tree and Landscaping Manual*, and the *Recommended Street Tree List* have also been evaluated for consistency with City invasive plant management goals.

In addition, staff has examined existing and potential avenues of technical assistance the City can provide, as well as current and potential enforcement processes.

The table below summarizes and identifies proposed regulatory improvements to support invasive plant control.

Development and Non-Development Options to Improve Policy and Regulations

Opportunity: Clarify landscape provisions.		
Related City Code	**Where it Applies**	**Current & Proposed Approaches**
Title 33: Zoning Code Ch. 248: Landscaping and Screening	Citywide.	**Current**: Nuisance and prohibited plants are not allowed to be installed as part of City-required landscaping. **Current**: Extent of required removal of nuisance and prohibited plants is unclear. **Proposed**: Required removal of groundcovers and shrubs on the Nuisance Plants List, within the City-required landscaping.
Opportunity: Clarify mitigation requirements.		
Related City Code	**Where it Applies**	**Current & Proposed Approaches**
Title 33: Zoning Code -Ch. 248: Landscaping and Screening -Ch. 430: Environmental Overlay Zone -Ch. 440: Greenway Overlay Zone -Ch. 465: Pleasant Valley Natural Resources Overlay Zone	Environmental, Greenway, Pleasant Valley Natural Resources Overlay Zones.	**Current**: Nuisance and prohibited plants are not allowed to be installed in these overlay zones. **Current**: Extent of required removal of nuisance and prohibited plants is unclear. **Proposed**: Required removal of groundcovers, shrubs, and trees on the Nuisance Plants List.
Opportunity: Allowed removal of trees, shrubs, and groundcovers on the Nuisance Plants List.		
Related City Code	**Where it Applies**	**Current & Proposed Approaches**
Title 33: Zoning Code -Ch. 430: Environmental Overlay Zone -Ch. 440: Greenway Overlay Zone -Ch. 465: Pleasant Valley Natural Resources Overlay Zone -Ch.508 Cascade Station/ Portland International Center Plan District -Ch. 33.515: Columbia South Shore Plan District -Ch. 33.537: Johnson Creek Basin Plan District	Environmental, Greenway, Pleasant Valley Natural Resources Overlay Zones. Also, in the Cascade Station/ Portland International Center Plan District, the Columbia South Shore Plan District, and the Johnson Creek Basin Plan District.	**Current**: Allowed by exemption to remove nuisance and prohibited groundcovers, shrubs, and trees in the Environmental, Greenway, and Pleasant Valley Natural Resources Overlay Zones. Removal of nuisance trees is exempt in the Cascade Station/ Portland International Center Plan District and the Columbia South Shore Plan District. **Proposed**: Continue to allow trees on the Nuisance Plants List to be removed by exemption. For trees, when removed, replacement requirements will be addressed through the Citywide Tree Project. In the Johnson Creek Basin Plan District, add language to allow removal of shrubs and groundcovers on the Nuisance Plants List is proposed.
Opportunity: Require removal of plants on the Nuisance Plants list to compensate for disturbance.		
Related City Code	**Where it Applies**	**Current & Proposed Approaches**
Title 33: Zoning Code -Ch. 430: Environmental Overlay Zone -Ch. 465: Pleasant Valley Natural Resources Overlay Zone	Environmental Overlay Zone and Pleasant Valley Natural Resources Overlay Zone.	**Current:** NA. **Proposed:** New standard in Section 33.430.140 requires removal of plants on the Nuisance Plants List as compensation for disturbance in the Environmental Overlay Zone. The same standard is proposed in Section 33.465.150 in the Pleasant Valley Natural Resources Overlay Zone.

Opportunity: Require eradication of certain plants to prevent them from becoming widespread.		
Related City Code	**Where it Applies**	**Current & Proposed Approaches**
Title 29: Property Maintenance Regulations	Citywide. Plants found during landscape and mitigation inspections, site visits, or otherwise reported in development and non-development situations.	**Current**: Title 29 requires tall weeds to be removed to reduce risks associated with fire or vermin. Regulations do not identify specific species as a health risk or nuisance. **Proposed**: Require removal of plants on the Nuisance Plants List, Required Eradication List from the entire property if found. These plants are designated as Rank "A" plants that are also contained in the State of Oregon Noxious Weed List. Note: The City has the authority to place plants on the City list that are not on the state list, if deemed appropriate in the future.
Opportunity: Erosion Control Manual, Stormwater Management Manual, Tree and Landscaping Manual, Recommended Street Trees		
Related City Code	**Where it Applies**	**Current & Proposed Approaches**
Technical manuals adopted as administrative rules, and handouts.	Citywide.	**Current**: Some nuisance and prohibited plants are allowed to be installed to meet City requirements. **Proposed**: Work to ensure these lists are consistent with the City's goals to control and eradicate invasive plants.

Details from this summary table are described below.

2A: Clarify zoning regulations to require removal of plants on the Nuisance Plants List in conjunction with required landscaping.

2B: Clarify zoning regulations to require removal of plants on the Nuisance Plants List in the Environmental, Greenway, and Pleasant Valley Natural Resources Overlay Zones, and the Cascade Station/ Portland International Center, Columbia South Shore, and Johnson Creek Basin Plan Districts.

2C: Establish rules requiring that certain early detection species on the Nuisance Plants List be eradicated from a property if discovered.

2D: Initiate a process to ensure the *Erosion Control Manual* be made consistent with City goals to control and eradicate invasive plants.

2E: Initiate a process to ensure the *Tree and Landscaping Manual*, the *Recommended Street Tree List*, and the *Stormwater Management Manual* be made consistent with City goals to control and eradicate invasive plants.

Each of these is further described below.

2A: Clarify Zoning Regulations to Require Removal of Plants on the Nuisance Plants List in Conjunction with Required Landscaping

Currently, the City does not allow plants on the Nuisance Plants List to be planted in the Environmental Overlay Zones, the Greenway Overlay Zones, the Pleasant Valley Natural Resources Overlay Zone, and City-required landscaped areas. The existing language in the Zoning Code is clear.

However, it is unclear whether the Zoning Code requires removal of plants on the Nuisance Plants List in required landscape and mitigation areas. Clarifications are proposed to clearly specify that citywide (i.e., in all

base zones, overlay zones, and plan districts), plants on the Nuisance Plants List must be removed from City-required landscaped areas and mitigation areas (mitigation is discussed below). Removal of these plants facilitates growth and survival of non-nuisance vegetation.

To clarify what constitutes "removal" and "eradication" of plants on the Nuisance Plants List, new description of nuisance plant removal and a definition of eradication are proposed. Eradication is a form of removal that essentially eliminates the plant in its entirety, while a portion of the plant may remain with nuisance plant removal. The term nuisance plant removal is added to the Zoning Code (Title 33). The definition of eradication is added to the Property Maintenance Regulations (Title 29). Both terms are included as part of the changes to the *Portland Plant List*.

New provisions require removal of all plants - groundcovers, shrubs, and trees - on the Nuisance Plants List from the City-required landscaped areas and mitigation areas. This proposal distinguishes between required removal of groundcovers and shrubs, and required removal of trees. Trees provide a diverse range of benefits that contribute to community livability and watershed health, including neighborhood character and property value, cooling and cleaning of air and water, capturing carbon dioxide, and providing wildlife habitat. Invasive trees can spread by several methods, such as seed dispersal by wind, animal consumption and defecation, and transportation by shoes and tires. Seeds can move into natural and developed areas.

Requiring removal of trees in all City-required landscaped areas and mitigation areas was considered, but requiring removal of trees would eliminate many of the benefits of trees from a site and if done at a large scale, cumulatively, could degrade the health of the watershed. Plus, tree removal is often costly. In attempts to balance these public and private benefits, risks, and costs, the proposed provisions require trees on the Nuisance Plants List to be removed only in conjunction with City-required mitigation in environmentally sensitive areas.

The proposed requirements to remove plants on the Nuisance Plants List from City-required landscaping areas and mitigation areas, are stated in Chapter 33.248, Landscaping and Screening. Section 33.248.030 is applicable to landscape areas in all base zones, while Section 33.248.090 is applicable to mitigation areas.

Implementation of these provisions will be through the existing inspections procedures; therefore, no new inspections are required. Having trained and dedicated staff with plant identification skills, including recognition of plants on the Nuisance Plants List, will be the most effective way to implement the provisions.

Proposed amendments to Section 33.248.030 clarify that plants on the Nuisance Plants List are not allowed to be installed; and that removal of plants on the Nuisance Plants List – specifically groundcovers and shrubs - is required. Trees on the Nuisance Plants List are not required to be removed. These amendments help ensure that invasive plants are not spreading from City-required landscaped areas.

The provisions in Section 33.248.090 state that all required mitigation areas must be cleared of groundcovers and shrubs on the Nuisance Plants List. And, if the site is within the Environmental Overlay Zone, the Pleasant Valley Natural Resources Overlay Zone, and the River Natural and River Water Quality Zones in the Greenway Overlay Zone, then trees on the Nuisance Plants List must also be removed from the mitigation area.

An applicant could request to not meet the requirement in Section 33.248.090 in one or more of the following ways:

- In an Environmental Review, that request would be a Modification and reviewed as part of the land use review. Modification criteria are in Section 33.430.280.

- In a Pleasant Valley Review, that request would be part of the land use review; neither a Modification nor an Adjustment would be needed because Chapter 33.465 has Section 33.465.180 Standards for Mitigation. Subsection C requires removal of invasive vegetation and Section G requires compliance with Section 33.248.090. If the standard is not met, the proposed development must be reviewed through a land use review.
- In a Greenway Review, the request would be an Adjustment that would be reviewed as part of the land use review. Chapter 33.440 has Section 33.440.345.B.1.e which requires the applicant to comply with Section 33.248.090. If that requirement is not met, an Adjustment must be requested.

2B: Clarify Zoning Regulations to Require Removal of Plants on the Nuisance Plants List in the Environmental, Greenway, and Pleasant Valley Natural Resources Overlay Zones and the Columbia South Shore and Johnson Creek Basin Plan Districts

Section 33.248.090 relates to mitigation for loss of natural resources; this is most commonly related to requirements in the Environmental, Greenway, and Pleasant Valley Natural Resources Overlay Zones. In addition to the provisions in Section 33.248.090, mitigation requirements are also found in the respective chapters of the overlay zones.

Amendments are proposed in each of these chapters to more clearly and effectively address removal of invasive plants. Several amendments proposed with the *Proposed Draft: Report and Recommendations to Planning Commission*, dated October 9, 2009, have been revised or eliminated with the Planning Commission memo dated November 10, 2009. The memo is entitled "Addendum to the Invasive Plant Policy Review and Regulatory Improvement Project regarding the Proposed Draft: Report and Recommendations to Planning Commission, October 9, 2009". Changes are noted below.

- Environmental Overlay Zone, Chapter 33.430

■ Exemptions

The Environmental Overlay Zone has existing provisions pertaining to removal of plants on the Nuisance Plants List, and replanting of land with native plants as a mitigation requirement for development impacts. Currently, removal of groundcovers, shrubs, and trees on the Nuisance Plants List is, and is proposed to remain, an exempt activity.

The proposal before the City Council no longer modifies the exemption to require replacement of nuisance trees that are removed, with native trees. The discussion about required replacement of trees, when it applies and what size of replacement trees is required, is integrated into the *Citywide Tree Project*. The replacement requirement is meant to ensure that the urban forest and associated benefits are replenished over time. However, how to establish the thresholds of when and how to replace removed trees – native trees, non-native non-nuisance trees, and non-native nuisance trees- necessitates that the discussion be folded into the project with the larger scale.

■ Development Standards

A new standard is proposed in Section 33.430.140, General Development Standards. The purpose of the standard is to help restore lost resource values and functions resulting from disturbance in the Environmental Overlay Zone. This standard is similar in purpose and approach to the existing tree replacement and site enhancement standards in this chapter.

The new standard requires removal of plants on the Nuisance Plants List in an area on the site that is 50 percent of the size of the proposed permanent disturbance area. The nuisance plant removal must occur outside of the permanent and temporary disturbance areas.

If the site does not contain an area or areas of nuisance plants that total at least 50 percent of the size of the proposed permanent disturbance area, then the area of required plant removal will be less than 50% but will include the entire area or areas of nuisance plants. If site contains an area of nuisance plants that totals more than 50 percent of the size of the proposed permanent disturbance area, then the required nuisance plant removal area would not exceed the 50 percent.

Replanting of the area of removal with native species listed on the *Portland Plant List* is required. The minimum planting density requirement is to seed the entire area of removal with a native grass seed and to install seven groundcover plants and two shrubs per 50 square feet. The groundcover plants must be a minimum size of four inch pots and the shrubs must be a minimum size of 1 gallon pots.

■ Mitigation Areas

Currently, as part of an Environmental Review, nuisance groundcovers and shrubs are typically required to be removed from the mitigation area. The proposal clarifies the requirements for nuisance plant removal, including stating that the removal of trees on the Nuisance Plants List is required within a mitigation area. The removal of trees would only be required as part of an Environmental Review, within the mitigation area. If removal of those trees is not desired or is not possible, the applicant may propose to provide an alternative; that will be reviewed as part of the Environmental Review. This requirement is, as noted earlier, part of the requirements in Section 33.248.090, Mitigation and Restoration Plantings, and also applies to the Pleasant Valley Natural Resources Overlay Zone and the Greenway Overlay Zone in the River Natural and River Water Quality Zones. All of these areas require mitigation when development occurs.

The City recognizes that trees provide many benefits; these benefits are so substantial that removal of trees listed on the Nuisance Plants List should only occur in the areas that will be most impacted by the spread of invasive species. The Environmental Overlay Zone is considered a valuable resource area, which includes riparian corridors and terrestrial areas that provide habitat and other functions. These are sensitive areas.

- Greenway Overlay Zone, Chapter 33.440

Like Chapter 33.430, Chapter 33.440, Greenway Overlay Zones, exempts removal of plants (groundcovers, shrubs and trees) on the Nuisance Plants List from the regulations of that chapter (Section 33.440.320.L). As is proposed for the Environmental Overlay Zone, the language in the Greenway Overlay Zone will retain the provision that nuisance plant removal is exempt from the regulations and does not require review. Shrubs and groundcovers continue to be allowed to be removed without replacement. As was noted in the exemptions provisions for the Environmental Overlay Zone, trees on the Nuisance Plants List that are removed will remain an exempt activity. At this time, the removed nuisance trees will not be required to be replaced with native trees from the *Portland Plant List*.

Other than the language in Section 33.440.320.L, the Greenway Overlay Zone regulations do not address removal of plants on the Nuisance Plants List during development projects. However, the general landscape provisions of Section 33.248.030 and Section 33.248.090 apply to development in the Greenway Overlay Zone. With the proposed changes described previously in the provisions for Chapter 33.248, the removal of plants on the Nuisance Plants List is required. Groundcovers and shrubs are required to be removed, but not trees.

However, as is proposed for the Environmental Overlay Zone, removal of nuisance trees is required in conjunction with required mitigation within the River Natural and River Water Quality Zones.

■ River Plan/North Reach Project

Currently, the Greenway Overlay Zone is being updated through the River Plan project. The proposed update for the North Reach of the Willamette River is underway. New River Plan/North Reach code provisions are in the public review process. Some of the Chapter 33.440 provisions will be re-located in a new Chapter 33.475, River Overlay Zones. The proposal includes consolidation of the River Natural and Water Quality Overlay Zones into a new River Environmental Overlay Zone. Proposed language in the River Environmental Overlay Zone addresses removal of plants on the Nuisance Plants List. The provisions noted below are subject to change during the on-going review process for the River Plan/ North Reach.

Section 33.475.430 Items Allowed without River Review

As proposed, the exemption stated in Section 33.475.430.A.3.f is "Removing plants listed on the nuisance and prohibited plants lists except for trees." This provision allows groundcovers and shrubs on the Nuisance Plants List to be removed as an exempt activity; but removal of trees on the Nuisance Plants List is not an exempt activity.

Removal of trees on the Nuisance Plants List is an activity that must meet standards. Section 33.475.430.B Standards for Development and Exterior Alterations includes tree removal standards.

Section 33.475.430.B.8 is Standards for Tree Removal. Under subsection a it states "Trees that are not native trees on the *Portland Plant List* may be removed."

Section 33.475.430.B.9 is Mitigation. Section 33.475.430.B.9.d states "Nuisance and prohibited plants identified on the *Portland Plant List* must be removed within the area to be replanted. Trees removed to meet this subparagraph must be replaced as specified in subparagraph B.8.c above." Section 33.475.430.9.i states "The requirements of Section 33.248.090, Mitigation and Restoration Plantings must be met."

The *Invasive Plant Policy Review and Regulatory Improvement Project* and the *River Plan/North Reach Project* staff coordinate efforts to ensure that code provisions will correspond and be consistent with each project. This is an on-going effort and will be carried forth through the upcoming River Plan projects for the Central and South reaches of the Willamette River.

- Pleasant Valley Natural Resources Overlay Zone, Chapter 33.465

The Pleasant Valley Natural Resources Overlay Zone, Chapter 33.465, is set up similar to the Environmental Overlay Zone format of exemptions, prohibitions, and requirements relating to native plants and to plants on the Nuisance Plants List.

Section 33.465.180.C states that "invasive vegetation must be removed within the mitigation area." This provision is changed to specify that plants on the Nuisance Plants List must be removed within the mitigation area. Other amendments to the Environmental Overlay Zone regulations, as described above, are proposed for the Pleasant Valley Natural Resources Overlay Zone provisions. These include nuisance plant removal to compensate for impacts of disturbance, and the removal of nuisance trees in required mitigation areas.

- Cascade Station/ Portland International Center Plan District, Chapter 33.508

As is proposed in the overlay zones noted above, the removal of trees on the Nuisance Plants List will remain an exempt activity. At this time, replacement will not be required. The main change in this chapter is to reflect the consolidation and name change of the Nuisance Plants List.

- Columbia South Shore Plan District, Chapter 33.515

As is proposed for the Environmental Overlay Zone, the Greenway Overlay Zone, and the Pleasant Valley Natural Resources Overlay Zone, the removal of groundcovers, shrubs, and trees on the Nuisance Plants List remains an exempt activity. At this time, replacement will not be required. The main change in this chapter is to reflect the consolidation and name change of the Nuisance Plants List.

- Johnson Creek Basin Plan District, Chapter 33.537

The Johnson Creek Basin Plan District contains no existing language about removal of plants on the Nuisance Plants List. New language is proposed to address removal of groundcovers, shrubs, and trees on the Nuisance Plants List. The language distinguishes between removal of groundcovers and shrubs, and removal of trees, on the Nuisance Plants List. The proposed language in the Johnson Creek Basin Plan District is similar to the language in noted above for the three overlay zones, the Cascade Station/ Portland International Center Plan District, and the Columbia South Shore Plan District. New language in Section 33.537.100, General Development Standards, allows removal of groundcovers and shrubs on the Nuisance Plants List without replacement vegetation. The language proposed in Sections 33.537.130, 33.537.140, and 33.537.150 regarding removal of trees on the Nuisance Plants List while requiring replacement with trees not on the Nuisance Plants List has been removed from the proposal. This language is under discussion as part of the *Citywide Tree Project*.

- Definitions

As mentioned earlier, a description of nuisance plant removal and a definition of eradication are proposed to be created through this project. The description of nuisance plants removal will be included in the Zoning Code (Title 33) as part of the landscaping provisions in Chapter 248 instead of as a definition in Chapter 33.910. The definition of eradication will be included in the Property Maintenance Regulations (Title 29). Both terms will be included in the *Portland Plant List*.

- Other recommendations:

Several other ideas are recommended for additional research and dialogue, including the following:

- **Site Enhancements in the Environmental Overlay Zone.** Section 33.430.140.D.2.b. could be revised to encourage additional removal of invasive plants in conjunction with alterations to existing development. The existing standard under D. states: "Increases in building coverage and exterior improvement area are allowed if a site enhancement option is completed on the site. Applicants must show that an area equivalent in size to at least 50 percent of the area proposed for development will be enhanced following one or more of the options described in Table 430-2. If the proposed development is less than 100 square feet, the minimum enhanced area will be 50 square feet." Table 430-2 includes four options for enhancement. The current standard results in a net loss of natural resources. Staff recommends assessing the benefits and drawbacks of changing the enhancement requirement from 50 percent to 100 percent of the area proposed for development. Another option might be to require enhancement using a 2:1 or 3:1 replacement ratio relative to the area to be disturbed. This would be comparable to the mitigation ratios used by the Oregon Department of State Lands and the Army Corps of Engineers for projects that impact wetlands.

- **Fee-in-lieu.** In situations where required removal of the invasive plant is cost prohibitive or less ecologically desirable because invasive plants from adjacent areas would continue to encroach into the property, then the property owner could pay into a fund to contribute to invasive plant removal and revegetation off-site. Additional research is needed to identify the full extent of when and how this option could be used. Option 4 of Table 430-2 includes language about a "revegetation fee" that is paid in certain circumstances. The funds from that fee are directed to the BES Watershed Revegetation program. Options for use of this fee could be expanded.

- **Incentives could help people remove plants on the Nuisance Plants List.** Currently the BES Watershed Revegetation program can be contracted by property owners to perform invasive plant removal and revegetation of a site. The BES Early Detection and Rapid Response program provides technical assistance to property owners to remove invasive plants. Another possibility is to provide a cost share option where the City carries a portion of the cost of invasive plant removal by providing money to the property owner or, by providing the appropriate nuisance plant removal supplies. Coupons for discounts on plants for sale at nurseries could be given out.

- **Planting standards.** Staff recommends that planting specifications such as the size of the required plant, be reviewed and made more consistent throughout Chapter 33.430. For example, planting requirements for the size of trees range from ½ inch diameter to 1 inch diameter, and also refer to 1 gallon pots, 3-5 gallon pots, and bare root. Additional options to meet the standards could also be created.

- **Redundant language or clarification of language.** Staff recommends provisions in Chapter 33.430 Environmental Overlay Zone and Chapter 33.465 Pleasant Valley Natural Resources Overlay Zone be reviewed and revised to eliminate redundancy. For example, the existing provision in Section 33.430.090.B prohibits the planting and propagation of plants on the Nuisance Plants List, and the existing provision in Section 33.430.140.L includes a statement that planting of plants on the Nuisance Plants List is not allowed. Seemingly, the statement in Section 33.430.140 is redundant. Section 33.465.090.B and Section 33.465.150.H are set up similarly to the provisions in Chapter 33.430. It may be possible to eliminate redundancy for some provisions in Chapters 33.430 and 33.465.

2C: Establish Rules Requiring that Certain Early Detection Species on the Nuisance Plants List be Eradicated from a Property if Discovered

This component of proposal, if approved, would broaden how the City has regulated invasive plants to date. Currently, the City regulates invasive plants primarily in the context of proposed development and prohibits planting nuisance plants in the Environmental Overlay Zone, the Greenway Overlay Zone, the Pleasant Valley Natural Resources Overlay Zone, and the City-required landscaped areas. This proposal establishes requirements to foster early detection of certain nuisance plants wherever they are observed, i.e., in the context of both development and in non-development situations citywide. For example, these plants could be found during site visits, landscape inspections, or mitigation inspections in conjunction with building permits or land use review. The nuisance plants could also be reported to the City by a citizen at any time.

A new "Required Eradication List" is proposed to be established as part of the *Portland Plant List*. This list contains rank "A" plants from the updated Nuisance Plants List that are also included in the Oregon Noxious Weed List. Under this proposal, if a plant on the Required Eradication List is found on a property and reported to the City, the plant must be eradicated from the entire property.

Recall the description of plant ranks, "A-D", and "W" on the Nuisance Plants List. The rank "A" plants are priorities for early detection. These plants are extremely invasive and are in the early stages of detection or discovery in the Portland metropolitan area. Removal of these plants as they arrive will prevent them from becoming widespread.

Removal of both rank "A" and rank "B" plants is the focus of the Bureau of Environmental Services (BES) Early Detection and Rapid Response (EDRR) team. However, at this time, the proposal is that the eradication requirement focuses only on certain rank "A" plants to help manage the work load, funding, and education concerns.

Code language establishing the eradication requirement will be added to Title 29 Property Maintenance Regulations. New administrative rules describe the steps involved when rank "A" plants are discovered and reported. The administrative rules list the specific plants requiring eradication, the steps that the Bureau of Environmental Services will take to assist property owners in removing the plant(s), and abatement procedures that the Bureau of Development Services (BDS) will implement if needed.

When discovery of a plant on the Required Eradication List is reported to the City, the report will go to the existing EDRR team in BES. Once BES is alerted to the discovery of the plant, and agreements with the property owner have been made, the EDRR team will visit the site and provide guidance on how to remove the plant(s). If plants on the Nuisance Plants List, Required Eradication List are confirmed, the plants must be removed. If the plants found on the site are not on the Required Eradication List, the EDRR team will also provide technical guidance but removal would be voluntary.

If a property owner declines City assistance to remove a plant on the Required Eradication List and/or otherwise refuses to comply with the removal requirement, then the City will initiate the nuisance abatement process, in accordance with the abatement process identified in Title 29 Property Maintenance Regulations. The abatement process is handled by BDS. The nuisance abatement process will be employed only when property owners do not agree to remove the specified plants. Based on similar programs in other jurisdictions such as Clark County, WA and King County, WA, it is anticipated that such abatement cases would be rare. An agreement will be established between BES and BDS to confirm the roles, responsibilities and funding for each bureau.

If there is a land use review or building permit in process when the plant on the Nuisance Plants List, Required Eradication List is found on the property, issuance of the land use approval or building permit will not be delayed. Removal of the plants would be required but will not hold up the final permits. A brief description of the required removal process is included below; see also the administrative rules for the authorizing code in Title 29 Property Maintenance Regulations. The administrative rules are in the appendices of the Report and Recommendations to City Council.

Staff evaluated the following options for placement of authorizing code for the nuisance plants eradication requirement:

- Title 13 Animals
- Title 17 Public Improvements
- Title 29 Property Maintenance Regulations
- New Title Invasive Plants

■ Title 13 Animals

Title 13, Animals, focuses on the care and management of animals such as roosters, dogs, swine and so forth that are on residential, commercial, industry, non-profit and other premises within the city limits. The title is currently implemented by the Multnomah County Health Department. If invasive plant removal were added to this title, the provisions would need to be revised and expanded to authorize the City of Portland to implement the plant related provisions. If the City moves in the direction of managing invasive animal species in addition to invasive plant species, Title 13 may be an appropriate place for language for both invasive animals and plants.

■ Title 17 Public Improvements

Title 17, Public Improvements, primarily focuses on public improvements. It also addresses quality and protection of waterways, and storm and drainage systems. Requirements to remove invasive plants could be added to this title; however, the geographic applicability would likely be limited to riparian corridors. Potentially, implementation could occur through the existing drainage reserve requirements. As has been described, invasive plants can impair watershed health. Establishing invasive plant removal language and revegetation language in the drainage reserve provisions could be appropriate and effective. Invasive plants can be found on private and public property, and can spread easily throughout properties, and beyond waterways, regardless of public or private ownership or jurisdictional boundaries.

■ Title 29 Property Management Regulations

Title 29, Property Management Regulations, applies to all property in the City of Portland except as otherwise excluded by law. The purpose of Title 29 is "to protect the health, safety and welfare of Portland citizens..." In Section 29.20.010, Outdoor Maintenance Requirements, it states that a property owner must maintain the outdoor areas of the property for "thickets that conceal hazards" and "overgrown lawn areas." Weeds must be cut and kept removed if they are more than 10 inches in height. Naturescaped properties are exempt from this provision. Violations of the provisions "constitute a nuisance." Title 29 has existing language about weeds. Title 29 focuses on the maintenance and condition of the plants as a nuisance, not the plants themselves as nuisances. BDS Neighborhood Inspections staff implements the provisions of Title 29. Administrative rules, as noted above, have been drafted for implementation of the eradication requirements that will be established in Title 29.

■ New Title Invasive Plants

The City could establish a new title for invasive species, with a focus on plants. Potentially, invasive animals could be part of the title. The creation of a new title could be redundant given the existing functions of Title 13 and Title 29.

The City Attorney has indicated that there is no specific legal constraint to placing authorizing code in Title 13, Title 17, Title 29, or in a new title; however, the City Attorney felt that Title 29 provides the simplest and most appropriate option. Staff agrees and proposes that the authorizing code be included in Title 29 as follows:

- 29.20.010.G. "Nuisance Plants. Eradication, as defined in 29.10.020.V, is required of all plants identified on the Nuisance Plants List. The Director shall adopt administrative rules detailing implementation and enforcement of this provision."
- 29.10.020.V. "Eradication is the removal of the entire nuisance plant – including the above ground portion of the plant, and the roots, shoots and seeds of the plant. The eradication provisions apply to those plants on the Nuisance Plants List, Required Eradication List."

As proposed, the 15 plants on the Nuisance Plants List, Required Eradication List are not listed in Title 29, but they are listed in the administrative rules. In the future, the administrative rules could be expanded to include other rank "A" plants or potentially the rank "B" plants on the Nuisance Plants List if deemed appropriate. Plants could also be removed from the Required Eradication List. The "City of Portland Nuisance Plants List" and the administrative rules for the authorizing code in Title 29 are separate documents in the appendices of the Report and Recommendations to City Council.

Application of Proposed Regulatory Changes Described in 2A, 2B, and 2C in the "Urban Pocket" Areas of Unincorporated Multnomah County

The proposed changes to the Zoning Code and the proposed new eradication requirement in Title 29 would be implemented citywide, and also in urbanizing portions of unincorporated Multnomah County.

The City has an Intergovernmental Agreement (IGA) with Multnomah County for an area referred to as the "urban pockets," that is comprised of 2,427 acres. Under the agreement, the City implements land use provisions and permitting for development of properties within unincorporated Multnomah County. The above noted changes to the City's Zoning Code provisions would apply to these areas under the existing agreement.

The application of the proposed provisions in Title 29 Property Maintenance Regulations, to require eradication of certain plants if they are found on a property, would necessitate a separate IGA between the City of Portland and Multnomah County. The County Attorney and Multnomah County Land Use Planning staff has worked with the City of Portland to draft this IGA. The IGA is included in the appendices of the Report and Recommendations to City Council.

One question of concern for implementation came up during the preparation of the IGA. How would the provisions in Title 33 and in Title 29 apply to roads or right-of-ways in the "urban pockets"? The Road Services Manager of Multnomah County stated that the road and drainage maintenance that occurs in the unincorporated pockets is performed via an IGA with Portland Department of Transportation (PDOT) in conformance with PDOT standards and Portland's National Pollutant Discharge Elimination System (NPDES) best management practices. The changes to Title 29 and Title 33 will not change the IGA between Multnomah County and PDOT. However, because PDOT would be subject to Title 29 provisions, the new provisions of Title 29 would thus apply to road and drainage maintenance that occurs in the unincorporated pockets.

Fiscal Impact of Proposed Regulatory Changes Described in 2A, 2B, and 2C.

Staff has completed the required fiscal impact analysis in relationship to the proposed changes to the Zoning Code and the Property Maintenance Regulations. The appendices of the *Recommended Report to City Council* include the Financial Impact Statement for Council Action Items.

Proposed changes to the Zoning Code are expected to create minor changes to existing steps and procedures in the land use review and building permit processes. Changes to the landscape and mitigation requirements are primarily clarifications to the Zoning Code. City-required landscape and mitigation areas are already identified as areas that are inspected by City staff.

The proposed new standard in Chapter 33.430 and in Chapter 33.465 would require some additional time to review and process the Environmental Plan Checks and Environmental Reviews. The additional time would mostly be associated with inspections to confirm that the nuisance plants were removed and the area was replanted with native plants.

The inspections for the Zoning Code provisions would be handled by the inspector position that is already included in the BES 5-year workplan for Grey to Green, as described below. This is a shift from the current procedure. Additional incremental costs associated with proposed changes to Title 33 should be minor.

The fiscal impact of establishing the eradication provisions in Title 29 is expected to be minor, and is included as part of the Grey to Green budget. The BES EDRR program is funded and has staff already working with property owners on invasive plant eradication. The proposed change to Title 29 would add a regulatory backstop to the existing efforts. However, since plants on the Required Eradication List are not yet widespread in the City, and because BES will be assisting property owners in removing such plants, staff expects abatement cases to occur very infrequently. The costs of abatement cases vary; staff estimates an average cost of approximately $1,600 per case. BES is reserving funds from the Grey to Green budget to cover these cases, should they arise.

Although the proposed code changes would not, in and of themselves, be expected to increase City costs, BES has included a 0.5 FTE position in the Grey-to-Green 5-year budget, starting in FY 2010-11, to enhance the quality of invasive plant regulatory implementation. This position is intended to provide trained staff dedicated to plants, including landscape and mitigation inspections.

Currently, landscape and mitigation inspections are carried out by BDS building inspectors who must fit these inspections in with their other priorities, and who do not have expertise in mitigation, landscaping, and plant identification. This person would follow up on land use approvals involving mitigation, and could track required monitoring and maintenance. Primarily, these land use reviews would be Environmental Reviews. The person could also send letters to property owners reminding them that their monitoring reports are due, review the monitoring reports, and visit the site as needed. These actions help prevent complaints and zoning violations, and help establish follow through with the property owner because people know the City will check to see that the nuisance plants are removed and appropriate plants are installed and maintained.

When considering potential costs, the City should also consider the benefits. The proposal described in this report should be viewed as extremely cost-effective. According to the State of Oregon, every dollar spent now to control invasive plants saves $17-34 in future costs.

Next Steps for the Project

The *Invasive Plant Policy Review and Regulatory Improvement Project* is funded through June 2010. In addition to completion of the legislative process for adoption of this proposal, staff has undertaken the following tasks described in 2D and 2E.

2D: Initiate a Process to Ensure the *Erosion Control Manual* be made Consistent with City Goals to Control and Eradicate Invasive Plants

Title 10 establishes Portland's Erosion and Sediment Control Regulations; the *Erosion Control Manual* is the implementing document the City relies upon.

The *Erosion Control Manual (ECM)* provides critical information to applicants and owners for private and public projects with ground-disturbing activities. The *ECM* is a useful tool with an extensive audience. It includes requirements and recommendations for erosion control methods and plant materials. Requirements and recommendations in the *ECM* are reviewed and implemented across every kind of development and site. The *ECM* provisions apply to areas of disturbance that exceed 500 sq. ft. Most projects that have a land use review or building permit trigger the *ECM* provisions.

Currently, the *ECM* allows permanent and temporary soil stabilization methods to use plants on the Nuisance Plants List. The City recognizes that plants used for temporary and permanent soil stabilization must establish quickly and effectively, and be readily available for purchase. However, allowing the use of plants on the Nuisance Plants List, including seed mixes, to meet the *ECM* requirements, sends a mixed message to the community and is counter-productive in terms of the City's goals to control and eradicate invasive species. Currently, the *Erosion Control Manual* recognizes and addresses this situation by establishing recommendations rather than requirements to help discourage the use of plants on the Nuisance Plants List.

Examples from the *Erosion Control Manual* include, but are not limited to, the following.

- Under Temporary Erosion Control Grasses (page 87), "Although perennial ryegrass and non-native clover species are often used for erosion control, these plants can invade and cause problems for the city's natural areas. Native grasses and other native plants are highly recommended for erosion control. Check the seed mixes listed in this chapter." Many of the principles of the temporary erosion control also apply to the permanent vegetated cover.
- Under the Preparation provisions (page 88), "The use of native grass mixes that can be incorporated into a permanent vegetative cover is recommended. These grasses provide cover as quickly as the temporary varieties, and the areas do not need to be replanted later."
- Under the Seed provisions (page 88), "When possible, seed supplies shall be selected from local sources that grow local genetic strains. These supplies will usually contain fewer weed species that could be noxious or invasive to the local environment."
- Under the Maintenance Specifications provisions (page 89), "All plantings require water and nutritional support during the first 3 years of establishment. Removal of invasive plant species is recommended. The property owner is responsible for ongoing maintenance of any plantings used for permanent cover."
- Table 4.5.-A, Grasses and Other Groundcover Plants for Temporary or Permanent Vegetative Cover (page 91) notes, "Native grasses may have different maintenance requirements and susceptibilities to horticultural chemical use."
- Erosion Control Seed Mixes and Sources (page 97) states, "The City of Portland highly recommends the use of native seed mixes and plants for erosion control, both temporary and permanent measures. Although perennial ryegrass and non-native clovers are often used for erosion control, these plants are invasive and can create problems off of your site. The City discourages their use." There is a short list of businesses with "suitable erosion control seed mixes" and native plants.
- Section 4.5.3, Mulch, includes a section, Design Criteria/Specifications (page 100). Under that provision, "Mulch made from nuisance or prohibited plant species or weeds shall not be used."

To address the mixed messages in the *Erosion Control Manual,* staff recommends additional research and dialogue with stakeholders. It is also critical to ensure that alternative plants, including seed mixes, are readily available for purchase. These issues warrant further exploration with stakeholders including City bureaus, non-profits, industry, and businesses.

Potential changes to the *Erosion Control Manual* include:

- Change the text (page 89) to say that removal of invasive plants is *required* instead of recommended. Specify an amount of area that must be cleared.

- Change Table 4.5.-B, Nuisance Grass Species Not Recommended for Use on Erosion Control or Stormwater Projects or Not Allowed for Use in E-Zones (page 96), to say *Not Allowed* for Use in Erosion Control or Stormwater Projects, in *E-Zones, Greenway Zones, Pleasant Valley Resource Overlay Zones, and all City-required landscaping* or simply *Not Allowed* regardless of circumstance.
- Section 4.5.4, Erosion Control Blankets, includes a section, Design Criteria/Specifications (page 103). Under that provision, include language just like the language in Section 4.5.3, which states, "Mulch made from nuisance or prohibited plant species or weeds shall not be used." Note again, language in the *Erosion Control Manual* will need to be updated to refer to the Nuisance Plants List rather than nuisance and prohibited plants.
- Under Sections 4.5.8, Soil Bioengineering (page 119), and 4.5.9, Live Fascines (page 123), under the Design Criteria/Specifications, add this language "cuttings, woody debris or other plant materials made from nuisance or prohibited plant species or weeds shall not be used."
- Table 4.5.-B, Nuisance Grass Species Not Recommended for Use on Erosion Control or Stormwater Projects or Not Allowed for Use in E-Zones (page 96), includes a list of 21 plants. Of the 21 plants, 19 are on the nuisance list of the *Portland Plant List*. Two of the plants, redtop bentgrass *(Agrostis alba)* and colonial bentgrass *Agrostis tenuis)* are not on the nuisance list of the *Portland Plant List*. The revisions to the *Portland Plant List* include the addition of redtop bentgrass and colonial bentgrass; the plants are rank "D".
- Plants on the Nuisance Plants List should be prohibited from installation for permanent erosion control or in seed mixes used for permanent erosion control, unless the seeds are sterile. Staff recommends these changes be made through a targeted amendment process prior to a full update of the *Erosion Control Manual*.
- Some portion of seed mix that is applied for erosion control, as required by the *Erosion Control Manual*, should include native seed. As has been stated, no seed mix should contain plants on the Nuisance Plants List. The City is working to make the seed mix that BES Watershed Revegetation Program uses, which contains a mix of primarily native plants, a commercially available seed mix.
- The *ECM* should provide more educational information about native, non-native non-invasive, and non-native invasive plants. It would be appropriate to produce brochures in English, Spanish, Vietnamese, and Russian.

Recommendations related to erosion control but outside of the *Erosion Control Manual* are as follows:

- Continue to evaluate the plants on the Nuisance Plants List and determine if some plants can be removed because use of them for erosion control is not problematic.
- Staff recommends that City specifications in Section 01030, Seeding, be reviewed and revised to exclude plants on the Nuisance Plants List. Currently, the City specifications do not include State of Oregon noxious weeds; however, some plants on the Nuisance Plants List are found in City specifications for erosion control. Efforts are underway to revise the specifications to not allow the City specifications to be used in the Environmental, Greenway, and Pleasant Valley Natural Resources Overlay Zones. In addition, efforts are being made to ensure plants on the Nuisance Plants List are not included in the City specifications.

- Staff is also recommending that the City's vehicle cleaning specifications be reviewed and potentially revised to prevent spreading invasive plants. Washing vehicles prevents the transportation of invasive plants.

The City recognizes that changing City specifications will take considerable additional discussion and coordination with staff from City bureaus, and will involve agencies such as the Oregon Department of Transportation, and industry such as the Oregon Association of Nurseries. The recommendations identified above should be further researched and discussed prior to an update to the *Erosion Control Manual.*

2E: Initiate a Process to Ensure the *Tree and Landscaping Manual*, the *Recommended Street Tree List*, and the *Stormwater Management Manual* be made Consistent with City Goals to Control and Eradicate Invasive Plants

The *Tree and Landscaping Manual*, the *Recommended Street Tree List*, and the *Stormwater Management Manual* are technical manuals and handouts that are related to the Zoning Code and the *Portland Plant List.* Like the *Erosion Control Manual,* it is important that these documents are consistent with City's goals for controlling and eradicating plants on the Nuisance Plants List. Staff recognizes that changes to these manuals and handouts will need considerable additional discussion and coordination with staff from City bureaus, non-profits, business, and industry.

■ Tree and Landscaping Manual

The *Tree and Landscaping Manual* is intended to provide guidance to the Zoning Code tree and landscaping provisions. Language and graphics in the *Tree and Landscaping Manual* could be strengthened. The recommendation is that language be added to clearly state plants on the Nuisance Plants List are not allowed to be installed in City-required landscaped areas, and in the Environmental Overlay Zone, the Greenway Overlay Zone, and the Pleasant Valley Natural Resources Overlay Zone, and that existing plants on the Nuisance Plants List may be required to be removed from the property.

Note that under "Plant Materials and the Suggested Plant Lists" in the "General" section of the *Tree and Landscaping Manual* it states "For required landscaping you may use any plants not on the nuisance and prohibited plants listed in the *Portland Plant List.*" In the "Other Rules: Existing Vegetation" section, it states "You may use existing landscaping or natural vegetation to meet the standards if you protect and maintain it during construction, and if the plants are not listed as prohibited on the *Portland Plant List.*" The sentence about existing vegetation leaves the nuisance plants out of the requirement. With the consolidation of the existing Nuisance Plant List and the Prohibited Plant List into the Nuisance Plants List, the language in the *Tree and Landscaping Manual* will be changed to reflect the consolidation of the existing lists.

Potentially, the revised text for the "General" section would be, "Prior to planting in required landscape areas, the area must be cleared of plants on the Nuisance Plants List, in accordance with the provisions of Section 33.248.030 or Section 33.248.090 as applicable. For required landscaping you may not use plants on the Nuisance Plants List. Please consult the Zoning Code and City of Portland staff for the most current information." This language would encompass both required removal of plants on the Nuisance Plants List, if those plants exist within the required landscaped area, and it would not allow installation of the plants on the Nuisance Plants List. For the "Other Rules: Existing Vegetation" section, the revised text would be "You may use existing vegetation to meet the standards if you protect and maintain it during construction, and if the plants are not listed on the Nuisance Plants List."

■ Recommended Street Tree List

The *Recommended Street Tree List* published by the Urban Forestry Division of Portland Parks and Recreation is a list of trees that are appropriate to install in the planting strips along streets. The list provides useful information to assist property owners with selecting trees. Several trees on the *Recommended Street Tree List* were on the Nuisance Plants List. These trees are considered cultivars and varieties of the Norway maple *(Acer platanoides)*; and are therefore part of the Nuisance Plants List. Urban Forestry staff removed the following trees from the *Recommended Street Tree List* in Spring 2009:

- Pacific sunset maple (*Acer platanoides* "Warrenred");
- Cleveland Norway maple (*Acer platanoides* "Cleveland");
- Globe Norway maple (*Acer platanoides* "Globosum"); and
- Norwegian sunset maple (*Acer platanoides* "Keithsform").

With continued diligence and coordination, the *Recommended Street Tree List* can remain free of trees that are part of the Nuisance Plants List.

■ Stormwater Management Manual

The *Stormwater Management Manual (SWMM)* is a technical document that outlines the City of Portland's stormwater management requirements. The requirements apply to all development and redevelopment projects within the City of Portland on both private and public property. The *Stormwater Management Manual* could be updated to state that plants on the Nuisance Plants List cannot be installed in stormwater facilities regardless of whether the facility is public, private, or within a right-of-way; regardless of whether the plants are part of a required landscaping plan; and regardless of whether the facility is in the Environmental Overlay Zone, Greenway Overlay Zone, or the Pleasant Valley Natural Resource Overlay Zone. The current language in the *SWMM* contains somewhat complicated and detailed language for when certain kinds of plants can be used.

Section 2.3.2, Relationship to Other Landscape Requirements, contains important references to landscaping and planting requirements. According to *SWMM*, "Landscaping required by Title 33 may be counted toward meeting the facility-specific landscape requirements in this chapter if the plantings are located within the facility area. Similarly, plantings that meet the requirements in this chapter may also meet the Title 33 landscape requirements."

If the stormwater facility is to be counted as part of the landscaping to meet landscaping requirements in the Zoning Code, that landscaping is City-required landscaping. In that case, the landscaping has to comply with Section 33.248.030.D.4 which states that "plants listed as nuisance or prohibited in the *Portland Plant List* are prohibited in required landscape areas." Similar language exists in Section 33.248.090 to prohibit the planting of nuisance and prohibited plants in mitigations areas. Plants that are native and plants that are non-native non-invasive may be put in City-required landscape areas. In summary, the prohibition on installing plants on the Nuisance Plants List in the Environmental Overlay Zone, the Greenway Overlay Zone, and the Pleasant Valley Natural Resources Overlay Zone, and City-required landscaped areas is applicable regardless of whether or not the stormwater facility is counted as landscaping or not.

For City-required landscape areas, BDS staff checks what proposed plants are in the stormwater facilities because they would be checking to see if the entire proposal met the City-required landscaped area. However, if the stormwater facility is not being counted as part of the City-required landscaping, then it is possible that BDS staff would not check the plants in the stormwater facility. Staff cannot assume all stormwater facilities are included as landscaping. Stormwater facilities that aren't counted as landscaping could have native plants and non-native non-invasive plants.

Under Section 2.3.3, Standard Landscape Requirements, #6, the *SWMM* states, "For facilities located in environmental zones or for BES-maintained facilities located outside of the public right-of-way, all plants within the facility area must be appropriate native species from the BES recommended plant lists in Appendix F.4 or the latest edition of the *Portland Plant List*. No nuisance or prohibited plants are allowed. The designer may also refer to the Planning Bureau's Environmental Handbook for more information."

A stormwater facility in the Environmental Overlay Zone or in a BES-maintained stormwater facility outside of the public right-of-way must use only native plant species from Appendix F.4 or from the *Portland Plant List*. No plants on the Nuisance Plants List could be planted. Note the Greenway Overlay Zone and the Pleasant Valley Natural Resources Overlay Zone are not included in the requirement in *SWMM* but should be because Zoning Code doesn't allow plants on the Nuisance Plants List to be installed in those overlay zones. However, the language in the Zoning Code in Chapter 33.248 will prevent the nuisance plants from being installed in those overlay zones.

Appendix F.4 of the *SWMM* includes sections such as the Grassy Swale Native Seed Mix, the Facility Plant List, the Ecoroof Plant List, the Green Street Plant List, and the Pond Plant List. All the lists, except the Grassy Swale Native Seed Mix, include plant characteristics (NW native, evergreen, potential height, and on-center spacing) and plant types (groundcovers, sedums and succulents, herbaceous plants, shrubs, and trees). The lists in Appendix F.4 contain some plants that are non-native, but none of the plants are on the Nuisance Plants List.

Component 3: Coordinate with the Portland Plan project to help Ensure that Invasive Species are Addressed in the Comprehensive Plan Update and Portland Plan Work Plan

The Portland Plan project is underway and will result in an update to the Comprehensive Plan. The City's existing Comprehensive Plan does not currently address the control or eradication of invasive plants or animals. However, the Comprehensive Plan, under Goal 8 Environment, references the importance of air, water, and land resources. Invasive plant removal actions maintain and enhance fish and wildlife habitat, watershed health, and other aspects of air, water, and land resources. Through the Portland Plan, the City should establish clear and ambitious policies and objectives that reference the link between invasive plant management and good habitat quality. The policies and objectives will also support City and community investments in controlling invasive plants.

Component 4: Research the Feasibility of Establishing a Local Noxious or Invasive Weed Law

This project includes an examination of current noxious weed laws in Oregon and elsewhere, and the identification of potential options for the City of Portland. Initial research has identified several options; each option has benefits and drawbacks. Since plants do not stop at jurisdictional boundaries, a more comprehensive

approach needs to collaboration between the cities within Multnomah County, and with Multnomah County. See the description of options below. Additional stakeholder involvement will be necessary and further analysis will be needed to develop a full recommendation. A short description of existing Oregon, Washington, Illinois, and City of Chicago laws is provided below.

■ State of Oregon

Oregon statutes establish policies and programs relating to invasive plants; invasive plants are called noxious weeds. State statutes (ORS 570.500) authorize the Oregon Department of Agriculture (ODA) to establish a list of noxious weeds and associated regulations. The statutes authorize counties to establish a county-wide weed control district; cities can be included in the county-wide weed control district by a special provision. When a county weed control district is established, a noxious weed board and a noxious weed list are also established for that district.

ORS 570.500 includes the weeds listed by the Oregon Department of Agriculture (ODA) as restricted noxious weeds or prohibited noxious weeds. The noxious weed list is updated every year, and the Oregon Administrative Rules (OARs) contain the list. There are approximately 100 restricted or prohibited noxious weeds. This State designated list is used to prioritize control efforts. Class A is the highest priority of noxious weeds to control; the State is working to eradicate Class A weeds. The State noxious weed law restricts the sale and transport of certain noxious weeds under its quarantine section.

ORS 570.510 describes "The state and the respective counties shall control any weeds designated as noxious by the state or the respective counties in any such county on land under their respective ownerships." The statute makes each county the regulatory agency responsible for monitoring and controlling noxious weeds in their jurisdiction.

The Oregon Department of Agriculture created the Oregon Noxious Weed Strategic Plan in 1999. The plan identified "Establishing strong statewide, county and local weed control programs" as a priority, but no funding for the programs was provided.

ORS 570.515 describes two options to establish a county weed board.

- One option is "The county governing body of each county may declare the county, or any portion of the lands in a county, a weed control district for the purpose of destroying such weeds and of preventing the seeding and spreading of such other weeds and plants as the governing body may for the purposes of ORS 570.515 to 570.600 declare noxious."
- The other option is "If the county is not made a weed control district or if the county weed control district does not include all such weeds or plants desired as noxious, interested parties may present a petition for a special weed control district." The petition must be signed by more than half of the landowners within the area described in the petition who also own more than half of the acreage in the area. If the petition meets the requirements, the county governing body will declare the area a special weed control district.

About two-thirds of Oregon counties have weed boards and noxious weed laws. Most weed boards that have been established are in rural counties and do not include cities. One reason weed boards don't exist in all counties is that ORS 570 calls for weed board funding (for enforcement and implementation); but the state funding has not been provided. Multnomah County does not have a weed control district, and therefore, does not have a weed board or a noxious weed law.

County ordinances related to county weed control districts don't apply in cities unless the city, either through the city council action or a vote of the people, adopts the ordinances inside the city. If the City of Portland wanted to be part of a county weed control district, either county-wide or under the "any portion of the lands in a county" provision of ORS 570.515, the ordinance would need to clearly state one of three options.

- The weed control district applies within the city limits of all cities in the county and the unincorporated portions of the county,
- The weed control district applies specifically to the City of Portland and the unincorporated portion of the county, or
- The weed control district applies to the City of Portland only.

The City of Portland would have to request that the City be part of a weed control district in any of these options. The Multnomah County Board of County Commissioners would vote to establish the weed control district and weed board. In addition, the proposal must be approved by the City of Portland. In regards to the option to petition to be a special weed control district, obtaining the number of signatures required to become a special weed control district is unlikely for the City of Portland.

Weed laws with authority of ORS 570 can only be established through weed boards; other privileges are granted by ORS 570 through the establishment of a weed board. For example, ORS 634.116 provisions would remain applicable; but the City of Portland's authority for pesticide application would change. With the weed law established under ORS 570, the City would become an authorized pesticide applicator on private property in the situations allowed under ORS 634.116.

It is widely recognized that invasive species do not stop at county borders and do not notice county and city jurisdictional boundaries. Portland and other cities represent a substantial portion of Multnomah County. Cities include natural areas and urban areas. For example, there are over 10,000 acres of public natural area within the City of Portland. Cities may become vectors, introducing noxious weeds to adjacent areas. Therefore, it is important that cities within Multnomah County be included in any future Multnomah County weed control district. Cities should be an active participant in developing noxious weed laws.

A number of states, for example, Washington and Illinois, include both cities and counties as part of weed control districts when weed control districts are established for a county. Clark County, WA and King County, WA have well established programs to educate about and provide enforcement of noxious weed laws in incorporated and unincorporated areas. Staff in these jurisdictions provides assistance to help citizens eradicate the noxious weeds. The voluntary compliance rate for these two jurisdictions is very high; they have very few situations that go through a noxious weed abatement process. Of interest, the City of Chicago has its own regulations related to noxious plants and animals; these regulations are in addition to the existing state noxious weed laws.

Establishing a local noxious weed law for the City of Portland would be beneficial, in part, because ORS 634, pesticide licensing laws, does not allow public applicators to treat on private property unless it is a species covered by a noxious weed law. The City of Portland spends money implementing treatments on public property; meanwhile, these species are spreading throughout private property and back onto public property. Part of the proposal with the *Invasive Plant Policy Review and Regulatory Improvement Project* is to have BES staff provide assistance to property owners when they find certain plants on the Nuisance Plants List, Required Eradication List on their property. A noxious weed law would facilitate the City's ability to work with landowners to remove these plants or if they are unable, then the City would have access to implement chemical

treatments without hiring a contractor. This benefit would occur regardless of which of the three options under ORS 570 the City of Portland used to establish a weed control district.

If the City of Portland and unincorporated Multnomah County were to establish a weed control district, or if all the cities in Multnomah County join unincorporated Multnomah County as a weed control district, then there are additional benefits. A noxious weed law provides a county-wide tool to eradicate invasive species. It also provides a way to leverage money from the state and from organizations, and across jurisdiction, to fight invasive plants and animals. Equipment could be shared, as it is in Clark County, WA.

If the City of Portland became a weed control district, the City may need to do an IGA with Multnomah County to agree upon funding and other responsibilities such as enforcement and education.

The City has received support in the efforts to establish a weed control district. The Oregon Department of Agriculture, Noxious Weed Program staff have stated their support the City's efforts to explore the potential of establishing a weed control district, with the corresponding establishment of a noxious weed board and noxious weed law. The Multnomah County Drainage District staff also expressed support. Multnomah County staff in Land Use Planning and in Vector Control expressed support too.

Another option to consider is for the City of Portland to pursue legislation that allows a city to form the weed control district without the approval of a county government. This would allow the City of Portland to establish a weed control district without the approval of Multnomah County. With this change of statute, the same benefits and drawbacks would likely apply.

Another option is that the West Multnomah County and East Multnomah County Soil and Water Conservation Districts serve as the weed board for Multnomah County. This approach would address unincorporated county areas and incorporated (City of Portland, Troutdale, Gresham) areas, and would have a non-government entity as the implementing organization. There are examples of SWCDs that act as weed boards. However, the cities would still need to get approval from their respective governing bodies such as city councils or county commissioner boards to be part of the weed control district. Additional research is needed on this option.

■ State of Washington

The State of Washington has a noxious weed law; it holds the landowners, including private landowners and state and county landowners, responsible for controlling noxious weeds on their property. The county and district noxious weed control boards, the Washington Department of Agriculture, and the Washington State Weed Control Board, are responsible for administering the noxious weed law. In Washington, the weed board authority extends to unincorporated areas and to cities within a county. Language from the Washington statutes (17.10.020, 17.10.060, and 17.04.010) is not included here.

■ State of Illinois

The State of Illinois has a noxious weed law. The law requires "Every person shall control the spread of and eradicated noxious weeds on the lands owned or controlled by him and use such methods for that purpose and at such times as are approved and adopted by the Director of the Department of Agriculture." The term Control Authority is defined as "the governing body of each county, and shall represent all rural areas and cities, villages and townships within the county boundaries." This language includes cities and counties as part of the jurisdiction covered by the Control Authority, rather than having the counties being under the control of a weed board (e.g. Oregon and Washington), or having a County Weed Superintendent working with a Cooperative Weed Management Area (e.g. Idaho) as the local authorities for noxious weed law. Cities and counties are

included within the Control Authority's power. In Illinois, a Control Authority may employ one or more Weed Control Superintendents for more than one Control Authority. A list of noxious weeds is published by the Director of the Department of Agriculture of the State of Illinois and the Director of the Agricultural Experiment Station at the University of Illinois. Of particular note, the City of Chicago has set up its own set of regulations related to invasive species, stating that certain aquatic and terrestrial plants and animals are prohibited. Violations of the provisions are classified as public nuisances.

In summary, the establishment of a weed control district is possible for the Portland metropolitan area. Each option has benefits and drawbacks. The political palatability of these options will be tested as additional stakeholder discussions are pursued. Staff welcomes the broadest version, having all the cities and unincorporated Multnomah County, as the weed control district. This is the most comprehensive approach. The City recognizes the cost and other concerns will be identified. Therefore, it is necessary to continue to discuss options with Multnomah County and the other cities in Multnomah County to determine the best option.

Report Conclusion

The proposal presented in this report will contribute to Portland's invasive plant management strategy by:

- Updating the *Portland Plant List* to build public awareness, provide current scientific information to citizens, and assist land managers with prioritization of invasive plant management strategies;
- Amending the Zoning Code (Title 33) and the Property Maintenance Regulations (Title 29) to improve invasive plant management in development and non-development situations;
- Recommending changes to technical documents such as the *Erosion Control Manual, Stormwater Management Manual, Tree and Landscape Manual*, and the *Recommended Street Tree List*; and
- Identifying options for establishing a local noxious weed control district with a local noxious weed law.

Integrating invasive plant management policies into the City's Comprehensive Plan, incorporating new invasive plant regulations into existing City codes, preventing the establishment of new invasive plants, and providing additional tools to identify and remove invasive plants as they are identified are critical actions in an invasive plant management strategy. These actions provide environmental, economic, and social benefits to residents, businesses, and government, and further the City's efforts to implement sustainable principles and practices.

City of Portland Bureau of
Planning and Sustainability
Sam Adams, Mayor | Susan Anderson, Director

Invasive Plant Policy Review and Regulatory Improvement Project

Appendix A: Title 33 Zoning Code

INTRODUCTION TO THE ZONING CODE

The scope of the Invasive Plant Policy Review and Regulatory Improvement Project is described in the Project Overview Report. The Zoning Code changes are part of the improvement to the City's codes and rules, as stated in Component 2 of the four project components identified below.

- *Component 1: Update the Portland Plant List (PPL) to include priority ranks and guidance regarding invasive plants.* Staff proposes revisions to the *PPL* to inform City and community invasive species management activities, program development, and priority setting.

- *Component 2: Evaluate opportunities to improve invasive plant control through development and non-development situations, including updates to City codes and rules.* Staff is evaluating City codes to determine how they could be used more effectively to manage invasive plant species.

- *Component 3: Coordinate with the Portland Plan project to help ensure that invasive species are addressed in the Comprehensive Plan update and Portland Plan work plan.* Staff is working with the Portland Plan staff to ensure that invasive species are addressed in the Comprehensive Plan update and Portland Plan work plan.

- *Component 4: Research the feasibility of establishing a local noxious or invasive weed law.* Staff is analyzing the legality and the potential benefits, costs, and impacts of establishing a local noxious weed law.

This document includes proposed changes to the Zoning Code (Title 33). New code language is indicated with underlined text and language to be removed is indicated with strikethrough font. The commentary is provided to describe the amendments.

Commentary

33.248 Landscaping and Screening

The Zoning Code is one element of the City's regulations. The landscaping and screening regulations are incrementally implemented with each development action that must comply with this chapter. This chapter will now contribute more substantially toward city-wide invasive plant management.

The majority of the amendments to the Landscaping and Screening chapter are to:

- Update the name of the plant list - The existing Nuisance Plant List and the Prohibited Plant List are being consolidated into a single list called the Nuisance Plants List.
- Move from stating that nuisance plants are "prohibited", to specifically describing when and where removal of plants on the Nuisance Plants List is required and when and where these plants cannot be installed.
- Create requirements to remove trees on the Nuisance Plants List, in addition to the required removal of groundcovers and shrubs on the Nuisance Plants List, in City-required mitigation areas.

As identified in the memo from staff to the Planning Commission dated November 10, 2009, the proposed shift from allowing removal of trees on the Nuisance Plants List without replacement, to requiring nuisance trees be replaced with trees not on the Nuisance Plants List has been removed from this project proposal. Instead, the discussion about replacement of nuisance trees is being incorporated into the Citywide Tree Project. The Citywide Tree Project is revising all City tree regulations, including tree replacement requirements.

33.248.010 Purpose

The purpose statement of Section 33.248.010 is being amended to set the framework for more detailed invasive plant related provisions. The benefits of removing invasive plants include the retention of non-invasive vegetation; restoration of natural communities with non-invasive vegetation helps improve fish and wildlife habitat, and watershed health. The City of Portland uses the term "nuisance plants" for invasive plants that are regulated by the City of Portland. Not all invasive plants are nuisance plants.

CHAPTER 33.248
LANDSCAPING AND SCREENING

33.248.010 Purpose

The City recognizes the aesthetic, ecological, and economic value of landscaping and requires its use to:

- Preserve and enhance Portland's urban forest;
- Promote the reestablishment of vegetation in urban areas for aesthetic, health, and urban wildlife reasons;
- Reduce stormwater runoff pollution, temperature, and rate and volume of flow;
- Establish and enhance a pleasant visual character which recognizes aesthetics and safety issues;
- Promote compatibility between land uses by reducing the visual, noise, and lighting impacts of specific development on users of the site and abutting uses;
- Unify development, and enhance and define public and private spaces;
- Promote the retention and use of existing non-invasive vegetation;
- Aid in energy conservation by providing shade from the sun and shelter from the wind;
- Restore natural communities and provide habitat through removal of nuisance plants and re-establishment of native plants; and
- Mitigate for loss of natural resource values.

This chapter consists of a set of landscaping and screening standards and regulations for use throughout the City. The regulations address materials, placement, layout, preparation of the landscape or mitigation area, and timing of installation. Specific requirements for mitigation plantings are in 33.248.090.

The *Portland Tree and Landscaping Manual* contains additional information about ways to meet the regulations of this chapter. The *Portland Plant List* includes information about native plants, non-native non-nuisance plants, and nuisance plants.

Commentary

33.248.030 Plant Materials

D. Plant material choices
This heading is expanded to include the term "and preparation". The inclusion of the term reflects the addition of a new paragraph that addresses landscaped area preparation.

D.1. Existing vegetation.
Existing landscaping or natural vegetation not on the Nuisance Plants List may be used to meet the standards of Section 33.248.030.D. The term "existing vegetation" includes landscaping and natural vegetation; it is unnecessary to include the term "landscaping or natural". The existing language appears to intend to distinguish plants that were intentionally planted by humans versus those that were not planted intentionally by humans. The Zoning Code defines vegetation as "All types of vegetation, including trees, shrubs, forbs, grasses, and other plants."

Simply stating that existing vegetation can be counted as part of the landscaping requirements is more direct. All existing plants except those plants on the Nuisance Plants List can be counted as part of the required landscaping.

The amendments emphasize that existing plants on the property can be counted, but plants listed on the Nuisance Plants List are not allowed to be counted as existing vegetation to meet these standards.

D.4. Nuisance plants. The new language reflects the consolidation and change of the name of the existing two plant lists, simplifies the language of the provision, and clearly states that plants on the Nuisance Plants List cannot be planted in City-required landscaped areas.

D.5. Landscaped area preparation. This is a new provision. It applies to new landscape areas. Trees on the Nuisance Plants List are not required to be removed from the landscaped area, but shrubs and groundcovers on the Nuisance Plants List are required to be removed. Removal of nuisance plants from the lower 6 ft. of the tree to be preserved is intended to target nuisance plants such as English ivy (*Hedera helix*) and Traveler's joy (*Clematis vitalba*), that typically climb trees.

33.248.030 Plant Materials

D. Plant material choices and preparation.

1. Existing vegetation. Existing ~~landscaping or natural~~ vegetation except those plants on the Nuisance Plants List may be used to meet the standards, if protected and maintained during the construction phase of the development as specified in Section 33.248.065. If existing trees are used, each tree 6 inches or less in diameter counts as one medium tree. Each tree more than 6 inches and up to 9 inches in diameter counts as two medium trees. Each additional 3-inch diameter increment above 9 inches counts as an additional medium tree.

2. Selection of materials. Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site. Arborescent shrubs from the *Portland Plant List* may not be used to meet the tree requirement.

3. Plant diversity.

   a. Trees. If there are more than 8 required trees, no more than 40 percent of them can be of one species. If there are more than 24 required trees, no more than 24 percent of them can be of one species. This standard applies only to trees being planted to meet the regulations of this Title, not to existing trees.

   b. Shrubs. If there are more than 25 required shrubs, no more than 75 percent of them can be of one species.

   c. Plants may be selected from the *Portland Tree and Landscaping Manual*'s suggested plant lists or other sources.

4. ~~Prohibited materials. Plants listed as nuisance or prohibited in the *Portland Plant List* are prohibited in required landscaped areas. Prohibited plants include plants identified by the Director of BDS or the City Forester as invasive and alien or as potentially damaging to sidewalks, roads, underground utilities, drainage improvements, foundations, etc.~~ Nuisance plants. Plants listed on the Nuisance Plants List are prohibited from being planted in City-required landscaped areas.

5. Landscaped area preparation. All new required landscaped areas must be cleared of groundcovers and shrubs on the Nuisance Plants List. All plants on the Nuisance Plants List must be removed from the lower 6 feet of the trees to be preserved in the landscaped area. Trees listed on the Nuisance Plants List are not required to be removed.

E. Exceeding standards. Landscaping materials that exceed the standards may be substituted for the minimums so long as all fence or vegetation height limitations are met, including the vision clearance standards of Title 16, Vehicles and Traffic.

Commentary

33.248.090 Mitigation and Restoration Plantings

The spread of invasive plants occurs easily along corridors such as riparian habitats. The City recognizes that trees provide many benefits and that tree removal can be expensive. The benefits of trees are so substantial that required removal of trees on the Nuisance Plants List should be limited to the areas that will be most impacted by the spread of invasive species.

Areas such as those in the Environmental Overlay Zone, the Pleasant Valley Natural Resources Overlay Zone, and the Greenway Overlay Zone in the River Natural and River Water Quality Zones, are sensitive areas. Invasive species have the most detrimental impacts in sensitive areas; therefore, these areas have more proactive provisions that require removal of nuisance plants and prohibitions on installation of them. The requirement to remove nuisance trees in mitigation areas is added to Section 33.248.090 rather than the respective, individual chapters, to be efficient since Section 33.248.090 applies to those overlay zones.

Mitigation areas are the areas where plants are being installed as part of the mitigation for development impacts identified in the land use application. Within the mitigation areas, replanting with native plants will occur, and the planting will generally occur within the same location as the area the nuisance plants are removed. This will avoid having exposed, bare soil. If a concern is identified about removing vegetation within the mitigation area, an alternative location for mitigation can be identified and/or the plants identified to be removed can be retained. During the land use application review process, each City bureau is provided an opportunity to review and comment on the application. Comments are made to the staff planner and the applicant in regards to the proposal.

An applicant could request to not meet the requirement in Section 33.248.090 in one or more of the following ways:

- In an Environmental Review, that request would be a Modification and reviewed as part of the land use review. Modification criteria are in Section 33.430.280.

- In a Pleasant Valley Review, that request would be part of the land use review; neither a Modification nor an Adjustment would be needed because Chapter 33.465 has Section 33.465.180 Standards for Mitigation. Subsection C. requires removal of invasive vegetation and Subsection D. requires compliance with Section 33.430.090. If the standard is not met, the proposed development must be reviewed through a land use review.

- In a Greenway Review, the request would be an Adjustment that would be reviewed as part of the land use review. Chapter 33.440 has Section 33.440.345.B.1.e which requires the applicant to comply with Section 33.248.090. If that requirement is not met, an Adjustment must be requested.

33.248.030 continued

F. Complying with the standards. It is the applicant's responsibility to show that the landscaping materials proposed will comply with the regulations of this chapter.

33.248.090 Mitigation and Restoration Plantings

Plantings intended to mitigate for the loss of natural resource values are subject to the following requirements. Where these requirements conflict with other requirements of this chapter, these requirements take precedence.

A. Plant Source. Plant materials must be native and selected from the ~~Portland Plant List~~ *Portland Plant List*. They must be non-clonal in origin, seed source must be as local as possible, and plants must be nursery propagated unless transplanted from on-site areas approved for disturbance. These requirements must be included in the Mitigation Plan specifications.

B. Plant Materials. The Mitigation Plan must specify that plant materials are to be used for restoration purposes. Generally, this means that standard nursery practices for growing landscape plants, such as use of pesticides, fungicides or fertilizers, and the staking of trees must not be employed.

C. Nuisance Plants. Plants listed on the Nuisance Plants List are prohibited from being planted in mitigation areas, and may not be counted as existing vegetation.

D. Landscaped Area Preparation. All new required mitigation areas must be cleared of groundcovers and shrubs listed on the Nuisance Plants List. If the site is within the Environmental Overlay Zone, the Pleasant Valley Natural Resources Overlay Zone, and the River Natural and River Water Quality Overlay Zones in the Greenway Overlay Zone, then trees listed on the Nuisance Plants List must be removed from the required mitigation area.

~~C.~~**E. Installation.** Plant materials must be supported only when necessary due to extreme winds at the planting site. Where support is necessary, stakes, guy wires or other measures must be removed as soon as the plant can support itself.

~~D~~**F. Irrigation.** The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. New plantings must be manually watered regularly during the first growing season. During later seasons, watering must be done as needed to ensure survival of the plants.

~~E~~**G. Monitoring and Reporting.** Monitoring of landscape areas is the ongoing responsibility of the property owner. Plants that die must be replaced in kind. Written proof that all specifications of this section have been met must be provided one year after the planting is completed. The property owner must provide this documentation to BDS.

Commentary

33.430 Environmental Zones

The existing Nuisance Plant List and the Prohibited Plant List are being consolidated into the Nuisance Plants List. Many of the proposed amendments in this chapter relates to the name change of the list.

33.430.070 When These Regulations Apply

The amendment reflects the change to the name of the plant list.

33.430.080 Items Exempt from These Regulations

The amendment to C.7 reflects the name change of the plant list. The amendment also replaces the words "trees or plants" with the term "vegetation".

As identified in the memo from staff to the Planning Commission dated November 10, 2009, the proposed shift from allowing removal of trees on the Nuisance Plants List without replacement, to requiring trees be replaced with trees not on the Nuisance Plants List has been removed from this project proposal and incorporated into the Citywide Tree Project. The Citywide Tree Project is revising all City tree regulations, including tree replacement requirements.

CHAPTER 33.430
ENVIRONMENTAL ZONES

33.430.070 When These Regulations Apply
Unless exempted by Section 33.430.080, below, the regulations of this chapter apply to the following:

A.-C. No change.

D. Planting or removing ~~nuisance or prohibited~~ plants listed on the Nuisance Plants List ~~in the *Portland Plant List*~~;

E.-G No change.

33.430.080 Items Exempt From These Regulations
The following items, unless prohibited by Section 33.430.090, below, are exempt from the regulations of this chapter. Other City regulations such as Title 10, Erosion Control, must still be met:

A.-B. No change.

C. Existing development, operations, and improvements, including the following activities:

1. No change.

2. Continued maintenance of existing gardens, pastures, lawns, and other planted areas, including the installation of new irrigation and drainage facilities, new erosion control features, and the installation of plants except those listed on the Nuisance ~~or Prohibited~~ Plants List. Change of crop type or farming technique on land currently in agricultural use. Pruning trees and shrubs within 10 feet of structures;

3. Changes to existing disturbance areas to accommodate outdoor activities such as gardens and play areas so long as plantings do not include plants on ~~Portland's~~ the Nuisance ~~or Prohibited~~ Plants List and no trees 6 inches or greater are removed;

4.-6. No change.

7. Removing vegetation listed on the Nuisance ~~or Prohibited~~ Plants Lists~~;~~.

8.-13. No change.

Commentary

33.430.090 Prohibitions
The amendment updates the name of the plant list to the Nuisance Plants List.

33.430.140 General Development Standards
The amendments to the standards include:

- Re-lettering the standards as a result of inserting a new standard as "L";
- Updating the name of the Nuisance Plants List; and
- Requiring nuisance plant removal as compensation for disturbance area.

As identified in the memo from staff to the Planning Commission dated November 10, 2009, the proposed shift from allowing removal of trees on the Nuisance Plants List without replacement, to requiring trees be replaced with trees not on the Nuisance Plants List has been removed from this project proposal and incorporated into the Citywide Tree Project. The Citywide Tree Project is revising all City tree regulations, including tree replacement requirements.

The changes to the Environmental Overlay Zone provisions are intended to provide a consistent approach to invasive plant management in areas with sensitive habitat and water quality concerns, such as the Environmental Overlay Zone, the Greenway Overlay Zone, the Pleasant Valley Natural Resources Overlay Zone, the Columbia South Shore Plan District, and the Johnson Creek Basin Plan District.

33.430.090 Prohibitions

The following items are prohibited in all environmental zones. Prohibitions apply to both transition areas and resource areas:

A. No change.

B. The planting or propagation of any plant ~~identified as a nuisance and prohibited plant on the *Portland Plant List*~~ listed on the Nuisance Plants List.

C.-**D**. No change.

33.430.140 General Development Standards

The standards below apply to all development in the environmental zones except as follows:

- Utilities subject to Section 33.430.150,
- Land divisions subject to Section 33.430.160;
- Property line adjustment subject to Section 33.430.165;
- Resource enhancement projects subject to Section 33.430.170;
- Rights-of-way improvements subject to Section 33.430.175;
- Stormwater outfalls subject to Section 33.430.180; and
- Public recreational trails subject to Section 33.430.190.

Standards A through C and G through ~~R~~ S apply to new development. Standards D through ~~R~~ S except L apply to alterations to existing development. Standards B, C, and I apply to removal of ~~nuisance and prohibited~~ plants on the Nuisance Plants List. Only standards E, ~~M~~, N, ~~P~~, Q, ~~Q~~, R, and ~~R~~ S apply in Transition areas. All of the applicable standards must be met. Modification of any of these standards requires approval through environmental review described in Sections 33.430.210 to 33.430.280.

Commentary

33.430.140 General Development Standards

Table 430-2
Under Option 1 Restoration Planting, the language is changed to reflect the new name of the Nuisance Plants List.

Table 430-2 Minimum Site Enhancement Options	
Option	**Action**
Option 1 Restoration Planting	Remove plants listed on the Nuisance ~~and Prohibited~~ Plants Lists. Plant the area with native plants at the following minimum planting density: 10 plants per 50 square feet at a ratio of one tree, two shrubs, and 7 groundcover plants. Trees must be at least one inch in diameter, shrubs must be at least 2 gallons, and groundcover plants a minimum pot size of 4 inches. The remaining area may be seeded with native grass seed.
Option 2 Impervious Surface Reduction	Remove impervious surface to improve stormwater management, and replant the area with native plants at the following minimum planting density: 10 plants per 50 square feet at a ratio of one tree, two shrubs, and 7 groundcover plants. Trees must be at least one inch in diameter, shrubs must be at least 2 gallons, and groundcover plants must be a minimum pot size of 4 inches. The remaining area may be seeded with native grass seed.
Option 3 Parking Lot Retrofit	Replace existing interior parking lot landscaping with a vegetated infiltration basin using native plants. The minimum planting ratio for this option is one tree and two shrubs for every 50 square feet of planting area, and groundcover plants to cover the remaining area, planted on 12-inch centers. Trees must be at least one inch in diameter, shrubs must be at least 2 gallons, and groundcover plants a minimum pot size of 4 inches. Enhancements must be approved by the Bureau of Environmental Services as meeting the *Stormwater Management Manual*, and must also comply with parking lot landscape requirements of this Title.
Option 4 Revegetation Fee	Pay a revegetation fee. 1. Fee use and administration. The revegetation fee is collected by BDS and is administered by the Bureau of Environmental Services. The fees collected are used for revegetation projects on public or private property within the same watershed as the site. 2. Calculation of required fee contributions. Applicants must contribute the cost to purchase and plant trees, shrubs, and groundcover plants as set out in 3. below. The cost to purchase and plant trees and plants will be adjusted annually as determined by the Director of BES based on current market prices for materials, labor, and maintenance. 3. Required fee contribution. The applicant must contribute the following revegetation fee before a building permit will be issued: • The cost to purchase, plant, and maintain one tree, two shrubs, and 7 groundcover plants for every 50 square feet of planting area; • The fee calculation will be rounded up to the next multiple of $10; and • The minimum area to be used in this calculation is 50 square feet. Calculations that are not a multiple of 50 will be rounded up to the next multiple of 50.

Commentary

33.430.0140.J

The amendment reflects the consolidation and renaming of the existing Nuisance Plant List and the Prohibited Plant List to the Nuisance Plants List. In addition, the text is clarified to state that removal of trees on the Nuisance Plants List does not count towards the limit of 225 inches of tree removal for the standard.

33.430.140.K

It is unnecessary to state "on the applicant's site" since the term "site" is defined in Section 33.910.030, so that term is deleted.

H.-I. No change.

J. Native trees may be removed within 10 feet of any proposed structures, within 5 feet of driveways, or to create up to 500 square feet of permanent disturbance area for uses such as gardens and play area. In no case will the combined total diameter of all the 6-inch or greater trees cut exceed 225 inches. Trees listed on the ~~Portland~~ Nuisance Plants List ~~or Prohibited Plant List~~ are exempt from this standard and may be removed~~;~~ without being counted as part of the 225 inches;

K. Trees cut are replaced as shown in Table 430-3. Replacement trees must be at least one inch in diameter; shrubs must be in at least a 2-gallon container or the equivalent in ball and burlap. All trees and shrubs must be selected from the *Portland Plant List* and planted anywhere on the ~~applicant's~~ site. Conifers must be replaced with conifers and shrubs must consist of at least two different species;

Commentary

Section 33.430.140.L

The intent of the new standard is to require removal of invasive plants as compensation for loss of resources and functional values in areas that become developed. As with all standards in Section 33.430.140, if the standard is not met, an Environmental Review is required.

The maximum disturbance area allowed within the resource area is shown in Table 430-1.

The disturbance area is "The area where all temporary and permanent disturbance occurs. For new development, the disturbance area must be contiguous. Native vegetation planted for resource enhancement, mitigation, remediation, and agricultural and pasture lands is not included. The disturbance area may contain two subareas, the permanent disturbance area and the temporary disturbance area."

The standard will require removal of plants on the Nuisance Plants List in an area on the site that is 50 percent of the size of the proposed permanent disturbance area. The area of removal must be outside of the permanent and temporary disturbance areas. The replanting must occur within the area of removal. It may be necessary to install some of the required plants outside of the area of removal due to the number of plants required and the plant spacing requirements.

An example situation is useful. Maximum disturbance allowed is 5,000 sq ft. in the R10 zone, pursuant to Table 430-1. The applicant proposes to permanently disturb 4,800 sq. ft. An area or areas that total 2,400 sq. ft. must be identified on the site and the plants on the Nuisance Plants List must be removed. The area of required removal must be outside of the permanent and temporary disturbance areas. The area of removal is not considered disturbance area.

In this example, if the areas on the site occupied by plants on the Nuisance Plants List total less than 2,400 sq. ft., then removal of existing nuisance plants is less than 2,400 sq. ft. If the areas of nuisance plants on the site total more than 2,400 sq. ft. then the required removal area is 2,400 sq. ft. The area of removal must be re-vegetated with native seed from the *Portland Plant List*, and replanted with two shrubs and seven groundcover plants for every 50 sq. ft. The replanting density matches that in Table 430-2, Minimum Site Enhancement Options and minimum plant sizes match those in Section 33.430.150.D. Note, the requirements for replacing removed trees on the Nuisance Plants List will be established in the Citywide Tree Project.

Removal of nuisance plants is necessary to facilitate growth and survival of installed vegetation that is required or allowed by the Zoning Code. Different methods of removal will be used for different plants. A determination that the plant is removed will vary depending on the plant.

The new standard is similar to existing standards. For example, applicants can chose standard D for a disturbance area for an alteration to existing development on sites exceeding the disturbance area. In standard D, the applicant is required to enhance the site using one of the four options for site enhancement (Table 430-2). Removal of nuisance plants and replanting with natives is one option. Requiring an "area of removal" of plants is also similar to tree replacement requirements; when trees are removed the trees must be replanted. These existing standards require the applicant to replace lost functions of one area with restoration efforts to another area as part of meeting the standard.

L. Nuisance plants.

1. Remove plants on the Nuisance Plants List in an area on the site that is equal to 50 percent of the size of the proposed permanent disturbance area, or from the entire site, whichever is less.
2. Plant removal must occur outside of the permanent and temporary disturbance areas.
3. Nuisance plant removal entails actions such as the removal of: roots, the above ground portion of the plant, and the seeds of the plant such that existing non-nuisance and/or newly installed plants are able to grow and survive. The non-nuisance plants are maintained free of nuisance plants.
4. The cleared area must be replanted as follows:
    a. Seed the entire area of removal with a native grass seed.
    b. Install seven groundcover plants and two shrubs per 50 square feet. Groundcover plants must be a minimum size of four inch pots and the shrubs a minimum size of one gallon pots.
    c. Removed native and non-native non-nuisance trees are replanted in accordance with Section 33.430.140.M.
    d. Planting native species listed on the *Portland Plant List* is required.

Commentary

33.430.140.M
The amendments relate to the consolidation and renaming of the lists from the Nuisance Plant List and the Prohibited Plant List to the Nuisance Plants List.

33.430.160 Standards for Land Divisions and Planned Developments
The text is clarified to state that removal of trees on the Nuisance Plants List does not count towards the limit of 225 inches of tree removal for the standard.

As identified in the memo from staff to the Planning Commission dated November 10, 2009, the proposed shift from allowing removal of trees on the Nuisance Plants List without replacement, to requiring trees be replaced with trees not on the Nuisance Plants List has been removed from this project proposal and incorporated into the Citywide Tree Project. The Citywide Tree Project is revising all City tree regulations, including tree replacement requirements. Therefore, the previously proposed tree replacement provisions in Section 33.430.150, Section 33.430.160, Section 33.430.180, and Section 33.430.190 have been deleted.

~~L.~~**M** All vegetation planted in a resource area is native and listed on the *Portland Plant List*. Plants listed on the ~~Portland~~ Nuisance Plants List ~~or Prohibited Plant List~~ are prohibited;

Table 430-3 Tree Replacement		
Size of tree to be removed (inches in diameter)	**Option A (no. of trees to be planted)**	**Option B (combination of trees and shrubs)**
6 to 12	2	not applicable
13 to 18	3	1 tree and 3 shrubs
19 to 24	5	3 trees and 6 shrubs
25 to 30	7	5 trees and 9 shrubs
over 30	10	7 trees and 12 shrubs

~~M.~~ ~~R.~~ **M-S.** Re-lettered to reflect the insertion of new "L" standard.

33.430.160 Standards for Land Divisions and Planned Developments
The following standards apply to land divisions and Planned Developments in the environmental overlay zones. All of the standards must be met. Modification of any of these standards requires approval through environmental review described in Sections 33.430.210 to 33.430.280.

A.-E. No change.

F. The combined total diameter of trees cut may not exceed 225 inches per dwelling unit in residential zones. In all other zones tree removal is limited to the boundaries of the approved disturbance area. Trees that are less than 6 inches in diameter and trees listed on the ~~Portland~~ Nuisance Plants List ~~or the Prohibited Plant List~~ are exempt from this standard and may be removed~~.~~ without being counted as part of the 225 inches.

G.-J. No change.

Commentary

33.430.170 Standards for Resource Enhancement Projects

The existing language in F refers to a "sterile seed that is certified as weed-free." The Oregon Department of Agriculture defines and/or certifies a seed mix as "weed-free". The existing language would potentially allow a sterile version of a plant on the Nuisance Plants List to be used for temporary erosion control. The City has determined this is acceptable as a temporary measure. The change to the text does not alter what is allowed by this provision; it emphasizes that seeds of plants on the Nuisance Plants List must not be used unless they are both sterile and weed-free.

33.430.175 Standards for Right-of-Way Improvements

Native trees are allowed to be removed within 10 feet of the edge of the right-of-way improvement under the existing standard, if the total diameter of cut trees 6-inches or great is 225 inches dbh and less. The existing standard does not count trees on the Nuisance Plants List. The text is clarified to state that removal of trees on the Nuisance Plants List does not count towards the limit of 225 inches of tree removal for the standard. This clarifying text is also proposed in Section 33.430.160.

33.430.170 Standards for Resource Enhancement Projects
The following standards apply to resource enhancement projects in the environmental zones. All of the standards must be met. Modification of any of these standards requires approval through environmental review described in Sections 33.430.210 to 33.430.280.

A.-E. No change.

F. Temporary disturbance areas may be seeded with ~~sterile~~ seed that is sterile and is certified as 100 percent weed free for erosion control purposes until replanting occurs.

33.430.175 Standards for Right-of-Way Improvements
The following standards apply to unimproved and partially improved rights-of-way. All of the standards must be met. Modification of any of these standards requires approval through environmental review described in Sections 33.430.210 to 33.430.280. New rights-of-way that are part of a proposed land division or planned development must be reviewed under the Standards for Land Divisions and Planned Developments in Section 33.430.160.

A.-C. No change.

D. Native trees may be removed within 10 feet of the edge of the right-of-way improvement. In no case may the combined total diameter of all the 6-inch or greater trees cut exceed 225 inches. Trees listed on the Nuisance ~~or Prohibited~~ Plants Lists~~s~~ are exempt from this standard~~;~~ and may be removed without being counted as part of the 225 inches.

E. No change.

Commentary

33.430.405 Correction Options

This amendment relates to the consolidation and renaming of the existing Nuisance Plant List and the Prohibited Plant List to the Nuisance Plants List.

33.430.405 Correction Options
Applicants must choose one of the following options to correct environmental code violations.

A. No change.

B. Option One, Remove and Repair. This option results in removal of illegal development and replanting and repair of any damage. All of the requirements of this subsection must be met, and the notice and review procedure described in Sections 33.430.410 through 33.430.430 must be followed. Adjustments and modifications to these requirements are prohibited.

1.-2. No change.

3. Violation remediation planting. The area to be planted is the area disturbed by the violation. All of the following must be met:

a.-c. No change.

d. Any plants on the Nuisance ~~or~~ Plants List ~~listed~~ on the *Portland Plant List* must be removed from the planting area and within 10 feet of the planting area;

e.-f. No change.

4. No change

C. Option Two, Retain and Mitigate. This option results in legalizing the illegal development and mitigating for any damage. All of the requirements of this subsection must be met and the notice and review procedure described in Sections 33.430.410 through 33.430.430 must be followed. Adjustments and modifications to these standards are prohibited.

1. No change.

2. Violation remediation planting. The area to be planted is the area disturbed by the violation. Where development is approved for the area disturbed by the violation, an area of the same size elsewhere on the site must be planted. All of the following must be met:

a.-c. No change.

d. Any plants on the Nuisance ~~or~~ Plants List ~~listed~~ on the *Portland Plant List* must be removed from the planting area and within 10 feet of the planting area;

e.-f. No change.

3. No change.

Commentary

33.440 Greenway Overlay Zones

Amendments to this section are primarily related to the consolidation and renaming of the lists from the Nuisance Plant List and the Prohibited Plant List into the Nuisance Plants List.

There is no language in Chapter 33.440 specifically prohibiting the planting of nuisance and prohibited plants in the Greenway Overlay Zone. Language that prevents the planting of nuisance and prohibited plants is found in Chapter 33.248, Landscaping and Screening.

The Bureau of Planning and Sustainability is currently updating the Willamette Greenway Plan through a project called the River Plan. The River Plan will replace portions Chapter 33.440, the Greenway Overlay Zone, with Chapter 33.475, River Overlay Zones.

33.440.320 Exemptions from Greenway Review

The amendment here reflects the consolidation and renaming of the lists from the Nuisance Plant List and the Prohibited Plant List to the Nuisance Plants List.

As identified in the memo from staff to the Planning Commission dated November 10, 2009, the proposed shift from allowing removal of trees on the Nuisance Plants List without replacement, to requiring trees be replaced with trees not on the Nuisance Plants List has been removed from this project proposal and incorporated into the Citywide Tree Project. The Citywide Tree Project is revising all City tree regulations, including tree replacement requirements.

CHAPTER 33.440
GREENWAY OVERLAY ZONES

33.440.320 Exemptions from Greenway Review

Greenway review is not required for any of the situations listed below. The situations listed below are still subject to the Greenway development standards. The situations are:

A.-K. No change.

L. Removal of vegetation identified on the Nuisance Plants List ~~as nuisance plants on the *Portland Plant List*~~.

Commentary

33.465.080 Items Exempt From These Regulations
The amendments are essentially to include in the Pleasant Valley Natural Resources Overlay Zone, the same language that is proposed in the Environmental Overlay Zone in Section 33.430.080 and in the Greenway Overlay Zone in Section 33.440.320.

The amendments reflect the name change of the plant list.

As identified in the memo from staff to the Planning Commission dated November 10, 2009, the proposed shift from allowing removal of trees on the Nuisance Plants List without replacement, to requiring trees be replaced with trees not on the Nuisance Plants List has been removed from this project proposal and incorporated into the Citywide Tree Project. The Citywide Tree Project is revising all City tree regulations, including tree replacement requirements.

33.465.090 Prohibitions
The change reflects the change to the name of the plant list.

CHAPTER 33.465
PLEASANT VALLEY NATURAL RESOURCES OVERLAY ZONE

33.465.080 Items Exempt From These Regulations
The following items, unless prohibited by Section 33.465.090, below, are exempt from the regulations of this chapter:

A.-B. No change.

C. Existing development, operations, and improvements, including the following activities:

1.-4. No change.

5. Removing a tree listed on the Nuisance ~~or Prohibited~~ Plants Lists~~s~~. Removing other trees or portions of trees when they pose an immediate danger, as determined by the City Forester or a certified arborist. Removing these portions is exempt only if all sections of wood greater than 12 inches in diameter remain, or are placed, in the Pleasant Valley Natural Resources overlay zone on the same ownership on which they are cut;

6.-7. No change.

D. No change.

33.465.090 Prohibitions
The following items are prohibited in the Pleasant Valley Natural Resources overlay zone:

A. No change.

B. The planting or propagation of any plant identified on the Nuisance Plants List ~~as a nuisance plant or prohibited plant o~~ in the *Portland Plant List*; and

C. No change.

Commentary

33.465.150 General Development Standards
The amendments reflect the change to requiring replacement vegetation required when the trees on the Nuisance Plants List are removed.

33.465.150.E
This amendment relates to the consolidation and renaming of the existing Nuisance Plant List and the Prohibited Plant List to the Nuisance Plants List. In addition, the text is clarified to state that removal of trees on the Nuisance Plants List does not count towards the limit of 225 inches of tree removal for the standard.

33.465.150.F
The amendments to this chapter incorporate provisions from Chapter 430, Environmental Zones. The language from Section 33.430.140.K, including the table, is inserted; this keeps the language consistent with the language in Chapter 430. Also, the amendments reflect the name change to the Nuisance Plants List.

As identified in the memo from staff to the Planning Commission dated November 10, 2009, the proposed shift from allowing removal of trees on the Nuisance Plants List without replacement, to requiring trees be replaced with trees not on the Nuisance Plants List has been removed from this project proposal and incorporated into the Citywide Tree Project. The Citywide Tree Project is revising all City tree regulations, including tree replacement requirements.

33.465.150 General Development Standards
The standards of this section apply to all development in the Pleasant Valley Natural Resources overlay zone except utilities subject to Section 33.465.155, rights-of-way subject to 33.465.160, land divisions and planned developments subject to Section 33.465.165, resource enhancement projects subject to Section 33.465.170, trails subject to Section 33.465.175, and mitigation subject to 33.465.180.

Standards A, B and E through ~~L~~ N apply to new development. Standards C, D and E through ~~L~~ N apply to alterations to existing development. All of the applicable standards must be met.

Modification of any of these standards requires approval through Pleasant Valley resource review.

A.-D. No change.

E. Native trees may be removed within 10 feet of any proposed structures, or within 5 feet of driveways. In no case will the combined total diameter of all the 6-inch or greater trees cut exceed 225 inches. Trees listed on the ~~Portland~~ Nuisance Plants List ~~or Prohibited Plant List~~ are exempt from this standard and may be removed~~;~~ without being counted as part of the 225 inches.

F. Trees cut must be replaced as shown in Table 465-2. Replacement trees must be at least one-half inch in diameter; shrubs must be in at least a 2-gallon container or the equivalent in ball and burlap. All trees and shrubs must be selected from the *Portland Plant List* and planted anywhere on the site. Conifers must be replaced with conifers and shrubs must consist of at least two different species;

Table 465-2
Tree Replacement

Size of tree to be removed (inches in diameter)	Option A (no. of trees to be planted)	Option B (combination of trees and shrubs)
6 to 12	2	not applicable
13 to 18	3	1 tree and 3 shrubs
19 to 24	5	3 trees and 6 shrubs
25 to 30	7	5 trees and 9 shrubs
over 30	10	7 trees and 12 shrubs

Commentary

33.465.150.G
The intent of the new standard is to require removal of invasive plants as compensation for loss of resources and functional values in areas that become developed. As with all standards in Section 33.465.150, if the standard is not met, a Pleasant Valley Natural Resources Review is required. This standard is the same as the standard proposed in Section 33.430.140.L.

33.465.150.H
The amendment reflects the updated name of the plant list.

33.465.180 Standards for Mitigation
The amendment reflects the consolidation of the existing Nuisance Plant List and the Prohibited Plant List to the Nuisance Plants List.

The amended text is also more specific in identifying which plants must be removed from the mitigation area. Instead of stating that "invasive vegetation" must be removed within the mitigation area, the language specifies the removal of plants on the Nuisance Plants List within the mitigation area.

As previously noted in the Commentary for Chapter 33.248, Landscaping and Screening, an applicant can propose to not meet the provisions of Section 33.248.090. As proposed, the language in Section 33.248.090 will require the removal of plants - groundcovers, shrubs, and trees - on the Nuisance Plants List within the mitigation area. In a Pleasant Valley Review, Section 33.465.180 must be met. Within that section, subsection C. requires removal of invasive vegetation and G. requires compliance with Section 33.430.090. The request to not meet the standards would be part of the land use review; neither a Modification nor an Adjustment would be needed because unmet standards must be reviewed through a land use review.

G. Nuisance plants.

1. Remove plants on the Nuisance Plants List in an area on the site that is equal to 50 percent of the size of the proposed permanent disturbance area, or from the entire site, whichever is less.
2. Plant removal must occur outside of the permanent and temporary disturbance areas.
3. Nuisance plant removal entails actions such as the removal of: roots, the above ground portion of the plant, and the seeds of the plant such that existing non-nuisance and/or newly installed plants are able to grow and survive. The non-nuisance plants are maintained free of nuisance plants.
4. The cleared area must be replanted as follows:
    a. Seed the entire area of removal with a native grass seed.
    b. Install seven groundcover plants and two shrubs per 50 square feet. Groundcover plants must be a minimum size of four inch pots and the shrubs a minimum size of one gallon pots.
    c. Removed native and non-native non-nuisance trees are replanted in accordance with Section 33.465.150.F.
    d. Planting native species listed on the *Portland Plant List* is required.

~~F.~~H. All vegetation planted in the Pleasant Valley Natural Resources overlay zone is native and listed on the *Portland Plant List.* Plants listed on the ~~Portland~~ Nuisance Plants List ~~or Prohibited Plant List~~ are prohibited;

33.465.180 Standards for Mitigation

The following standards apply to required mitigation. All of the standards must be met. Modification of these standards requires approval through Pleasant Valley resource review.

A.-B. No change.

C. ~~**Invasive vegetation.** Invasive vegetation~~ Nuisance plants. Plants listed on the Nuisance Plants List must be removed within the mitigation area;

E.-G. No change.

Commentary

33.465.405.C

The change reflects the consolidation of the existing Nuisance Plant List and the Prohibited Plant List to the Nuisance Plants List.

33.465.405 Correction Options
Applicants must choose one of the following options to correct violations of this chapter.

A. No change.

B. Option One, Remove and Repair. This option results in removal of illegal development and replanting and repair of any damage. All of the requirements of this subsection must be met, and the notice and review procedure described in Sections 33.465.410 through 33.465.430 must be followed. Adjustments and modifications to these requirements are prohibited.

1.-2. No change.

3. Violation remediation planting. The area to be planted is the area disturbed by the violation. All of the following must be met:

a.-c. No change.

d. Any plant listed on the Nuisance ~~or Prohibited~~ Plants List ~~listed~~ on the *Portland Plant List* must be removed from the planting area and within 10 feet of the planting area;

e.-f. No change.

4. No change.

C. Option Two, Retain and Mitigate. This option results in legalizing the illegal development and mitigating for any damage. All of the requirements of this subsection must be met and the notice and review procedure described in Sections 33.465.410 through 33.465.430 must be followed. Adjustments and modifications to these standards are prohibited.

1. No change.

2. Violation remediation planting. The area to be planted is the area disturbed by the violation. Where development is approved for the area disturbed by the violation, an area of the same size elsewhere on the site must be planted. All of the following must be met:

a.-c. No change.

d. Any plant listed on the Nuisance ~~or Prohibited~~ Plants List ~~listed~~ ~~o~~ in the *Portland Plant List* must be removed from the planting area and within 10 feet of the planting area;

e. Trees must be a minimum 1 inch in diameter unless they are oak, madrone, or conifer, which may be 3- to 5-gallon size. No more than 10 percent of the trees may be oak or madrone. Shrubs must be a minimum of 2-fallon size. All other species must be a minimum of 4-inch pots; and

f. The requirements of Section 33.248.090, Mitigation and Restoration Planting, must be met.

3. No change.

D. No change.

Commentary

Chapter 33.508 Cascade Station/ Portland International Center Plan District
Within Chapter 33.508 there are provisions specifically related to the Environmental Overlay Zone. These provisions should be updated as other provisions in the Zoning Code are updated with this project. The amendments primarily relate to changing the Zoning Code to reflect the consolidation and name change of the Nuisance Plant List and the Prohibited Plant List to the Nuisance Plants List.

The *Proposed Draft: Report and Recommendations to Planning Commission*, dated October 9, 2009 does not include the amendments proposed here; this is due to an oversight. The provisions were proposed to the Planning Commission in a memo from staff dated November 10, 2009. Planning Commission accepted these provisions.

Section 33.508.314 - Items Exempt from these Regulations
The following are exempt from the development standards and required reviews stated in this section:

A.-K. No change.

L. Removing a tree listed on the Nuisance ~~or Prohibited~~ Plants Lists. Removing other trees or portions of trees when they pose an immediate danger, as determined by the City Forester or an arborist. Removing these portions is exempt if all sections of wood greater than 12 inches in diameter remain, or are placed, in the resource area of the same ownership on which they are cut.

Section 33.508.320 - Use Regulations

A. Permitted uses. The following uses and activities are allowed if they comply with the development standards of Section 33.508.330:

1. No change.

2. In environmental zones:

b. Removal of vegetation identified as ~~nuisance or prohibited~~ plants on the ~~Portland~~ Nuisance Plants List.

c.-k. No change.

3. No change.

Section 33.508.330 - Development Standards

A. Except for temporary uses, and as specified in Paragraph A.6, land uses and activities on lots or lease areas which contain an environmental zone on any portion of them require revegetation of the vegetated transition area as follows:

1. Species must be classified as native on the *Portland Plant List*, not be classified as ~~prohibited or nuisance~~ plants on the Nuisance Plants List, and be listed in the approved CS/PIC Plant List.

2.-6. No change.

B. Land uses and activities within an environmental zone must meet the following standards:

1. Revegetation in a vegetated transition area must meet the following:

a. Species must be classified as native on the *Portland Plant List*, not be classified as ~~prohibited or nuisance~~ plants on the Nuisance Plants List, and be listed in the approved CS/PIC Plant List.

b.-e. No change.

Commentary

Chapter 33.508 Cascade Station/ Portland International Center Plan District
Within Chapter 33.508 there are provisions specifically related to the Environmental Overlay Zone. These provisions should be updated as other provisions in the Zoning Code are updated with this project. The amendments primarily relate to changing the Zoning Code to reflect the consolidation and name change of the Nuisance Plant List and the Prohibited Plant List to the Nuisance Plants List.

The *Proposed Draft: Report and Recommendations to Planning Commission*, dated October 9, 2009 does not include the amendments proposed here; this is due to an oversight. The provisions were proposed to the Planning Commission in a memo from staff dated November 10, 2009. Planning Commission accepted these provisions.

2. Revegetation in a protected resource must meet the following:

b. Species must be classified as native on the *Portland Plant List*, not be classified as ~~prohibited or nuisance~~ plants on the Nuisance Plants List, and be listed in the approved CS/PIC Plant List.

c.-e. No change.

3.-17. No change.

Section 33.508.340 - CS/PIC Environmental Review

A.-C. No change.

D. Approval criteria.

1-.2. No change.

3. Planting non-native vegetation in an environmental zone will be approved if the review body finds that the vegetation:

a. No change.

b. Is not classified as ~~prohibited or nuisance~~ plants on the Nuisance Plants List,

4. -7. No change.

Commentary

33.515.274 Items Exempt From These Regulations

Amendments in this section are related to the consolidation and renaming of the lists from the Nuisance Plant List and the Prohibited Plant List to the Nuisance Plants List.

As identified in the memo from staff to the Planning Commission dated November 10, 2009, the proposed shift from allowing removal of trees on the Nuisance Plants List without replacement, to requiring trees be replaced with trees not on the Nuisance Plants List has been removed from this project proposal and incorporated into the Citywide Tree Project. The Citywide Tree Project is revising all City tree regulations, including tree replacement requirements.

33.515.276 Use Regulations

Amendments in this section are related to the consolidation and renaming of the lists from the Nuisance Plant List and the Prohibited Plant List to the Nuisance Plants List.

CHAPTER 33.515
COLUMBIA SOUTH SHORE PLAN DISTRICT

33.515.274 Items Exempt From These Regulations

The following are exempt from the development standards and required reviews stated in this section:

A.-K. No change.

L. Removing a tree listed on the Nuisance ~~or Prohibited~~ Plants Lists~~.~~

M. Removing other trees or portions of trees when they pose an immediate danger, as determined by the City Forester or an arborist. Removing these portions is exempt only if all sections of wood greater than 12 inches in diameter remain, or are placed, in the resource area of the same ownership on which they are cut.

33.515.276 Use Regulations

A. Permitted uses. The following uses and activities are allowed if they comply with the development standards of Section 33.515.278:

1. In areas without environmental overlay zones, uses and development allowed by the plan district regulations.

2. In environmental zones:

   a. Planting-required vegetation;

   b. Removal of vegetation identified on the Nuisance Plants List ~~as nuisance or prohibited plants~~ ~~o~~ in the *Portland Plant List*;

   c.-k. No change.

3. No change.

Commentary

33.515.278 Use Regulations
The amendment reflects the consolidation and renaming to the Nuisance Plants List.

33.515.278 Development Standards
The amendment reflects the consolidation of the existing Nuisance Plant List and the Prohibited Plant List to the Nuisance Plants List.

B. Review required. The following uses are allowed if they comply with the development standards of Section 33.515.278 and are subject to review, as set out in Section 33.515.280:

1. In environmental zones:

   a. Fill or destruction of a resource in an environmental conservation zone;

   b. Removal of vegetation which is not identified on the Nuisance Plants List ~~as nuisance or prohibited plants~~ ~~o~~ in the *Portland Plant List*;

   c.-i. No change.

2. No change.

C. No change.

33.515.278 Development Standards

A. Except for temporary uses and as specified in Paragraph A.6, land uses and activities on lots or sites which contain an environmental zone on any portion of them require revegetation of the vegetated transition area as follows:

1. Species must be classified as native on the *Portland Plant List*, and not be identified on the Nuisance Plants List ~~classified as prohibited or nuisance plants;~~

2.-6. No change.

B. Land uses, land divisions, and activities within an environmental zone must meet the following standards:

1. Revegetation in a vegetated transition area must meet the following:

   a. Species must be classified as native on the *Portland Plant List*, and not be identified on the Nuisance Plants List ~~classified as prohibited or nuisance plants~~;

   b.-e. No change.

2. Revegetation in a protected resource must meet the following:

   a. Species must be classified as native on the *Portland Plant List*, and not be identified on the Nuisance Plants List ~~classified as prohibited or nuisance plants~~;

   b.-e. No change.

3.-18. No change.

Commentary

33.515.280 Columbia South Shore Environmental Review

The text reflects the consolidation of the existing Nuisance Plant List and the Prohibited Plant List to the Nuisance Plants List.

33.515.280 Columbia South Shore Environmental Review

A.-C. No change.

D. Approval criteria.

1.-2. No change.

3. Planting non-native vegetation in an environmental zone will be approved if the review body finds that the vegetation:

   a. Provides food or other values for native wildlife that cannot be achieved by native vegetation; and

   b. Is not classified as a plant on the Nuisance Plants List ~~nuisance or prohibited plant~~ ~~o~~ in the *Portland Plant List.*

4.-7. No change.

Commentary

33.537 Johnson Creek Basin Plan District,
The Johnson Creek Basin Plan District, Chapter 33.537, does not have specific language about nuisance and prohibited plants, nor does the chapter address native plants.

33.537.100 General Development Standards
The amendments in Section 33.537.100, General Development Standards, are to allow removal of groundcovers and shrubs on the Nuisance Plants List and to state that planting of plants on the Nuisance Plants List is prohibited. The new language in Chapter 33.537 works in conjunction with new language in Chapter 33.248, Landscaping and Screening.

Allowing removal of trees, shrubs, and groundcovers raises concerns about loss of habitat and shade, and potential erosion from exposed soil. This is a particular concern when trees are removed. Section 33.537.100, requires "all vegetation removal activities must be surrounded or protected in a manner to prevent erosion and sediment from leaving the altered site." The existing language addresses concerns about exposed soil; no change is needed.

33.537.130 Springwater Corridor Standards
33.537.140 South Subdistrict Development Standards
33.537.150 Floodplain Standards

As identified in the memo from staff to the Planning Commission dated November 10, 2009, the proposed shift from allowing removal of trees on the Nuisance Plants List without replacement, to requiring trees be replaced with trees not on the Nuisance Plants List has been removed from this project proposal and incorporated into the Citywide Tree Project. The Citywide Tree Project is revising all City tree regulations, including tree replacement requirements. Therefore, the previously proposed provisions about nuisance tree removal with replacement trees have been removed.

CHAPTER 33.537
JOHNSON CREEK BASIN PLAN DISTRICT

33.537.100 General Development Standards

The standards of this section apply to the entire Johnson Creek Basin plan district.

A.-B. No change.

C. Groundcovers and shrubs identified on the Nuisance Plants List may be removed.

D. Planting of plants listed on the Nuisance Plants List is prohibited;

~~C.~~**E.** All vegetation removal activities must be surrounded or protected in a manner to prevent erosion and sediment from leaving the altered site.

City of Portland Bureau of
Planning and Sustainability
Sam Adams, Mayor | Susan Anderson, Director

Invasive Plant Policy Review and Regulatory Improvement Project

Appendix B: *Portland Plant List*

Note: This is an excerpt from the *Portland Plant List*; it is not the entire *Portland Plant List*. The changes presented here are focused on the text of the *Portland Plant List* as it relates to nuisance plants (formerly nuisance and prohibited plants), the re-organization of the text, the addition and removal of plants on the now consolidated and renamed Nuisance Plants List, and the addition of priority ranks to the nuisance plants. The following text includes: existing text to remain which is indicated in normal font; text to be removed which is indicated with strikethrough; and new text which is indicated in underlined font. Additional formatting and updated graphics will be made to the printed version and the online version.

~~Portland Native Plant Lists~~

Portland Plant Lists: the Native Plants List and the Nuisance Plants List

Introduction

~~*The Portland Native Plant Lists are an integral component of the City of Portland's natural resource protection program. Native plants identified here are required within the City's Environmental and Willamette River Greenway Overlay Zones; invasive or harmful plants (identified on the "Nuisance" or "Prohibited" Plant Lists) are prohibited.*~~

~~Portland's native plant policy is designed to ensure the continued viability and diversity of indigenous plant and animal communities, promote the use of plants naturally adapted to local conditions, and educate citizens about the region's natural heritage and the values and uses of native plants.~~

~~A healthy native plant community serves many important functions: it provides habitat for native wildlife and preserves critical habitat for rare, threatened and endangered animals and plants; enhances air and water quality by trapping airborne particulates and by filtering sediments and pollutants from runoff before they enter streams and aquifers; stabilizes stream banks and hillside slopes, and dissipates erosive forces; ameliorates the local microclimate, and reduces water and energy needs; and provides scenic, recreational and educational values which, in turn, enhance Portland's livability. Native plants are part of the region's natural heritage.~~

The City of Portland's environmental protection efforts include a focus on ensuring the continued viability and diversity of indigenous plant and animal communities, promoting the use of plants naturally adapted to local conditions, and educating citizens about the region's natural heritage and the values and uses of native plants.

A healthy native plant community serves many important functions:

- Provides habitat and food for native wildlife;

- Preserves critical habitat for rare, threatened and endangered animals and plants;
- Enhances air quality by trapping airborne particulates;
- Enhances water quality by filtering sediments (and pollutants attached to sediments) from runoff before the water enters streams;
- Stabilizes streambanks and hillside slopes by dissipating erosive forces;
- Enhances local microclimate, and reduces water and energy needs;
- Provides a place for native plants to continue to exist;
- Provides scenic and recreational and educational values, which, in turn, enhance Portland's livability. Native plants are part of the region's heritage.

The *Portland Plant List* is comprised of two lists and supporting information: the Native Plants List and the Nuisance Plants List. Both plant lists are integral to the City of Portland's natural resource protection program and invasive species management strategy. Only those plants on the Native Plants List are allowed to be planted within the City's Environmental Overlay Zone and the Pleasant Valley Natural Resources Overlay Zone. Native plants are also encouraged to be planted in the Greenway Overlay Zone.

The plants identified on the Nuisance Plants List are prohibited from being planted within the Environmental Overlay Zone, Greenway Overlay Zone, and the Pleasant Valley Natural Resources Overlay Zone. In addition, species on the Nuisance Plant List cannot be installed in City required landscaping areas. Plants - trees, shrubs, and groundcovers - on the Nuisance Plants List may be removed in the Environmental Overlay Zone, the Greenway Overlay Zone, and the Pleasant Valley Natural Resources Overlay Zone without a land use review. Plant removal methods that result in ground disturbance may require a permit or land use review when proposed within the Environmental Overlay Zone, Greenway Overlay Zone, and the Pleasant Valley Natural Resources Overlay Zone. Herbicide application may require a permit in the Greenway Overlay Zone. In some situations in these overlay zones, tree removal may require a permit and tree replacement. Please consult the City of Portland Zoning Code (http://www.portlandonline.com/bps/index.cfm?c=29205), other City codes (http://www.portlandonline.com/index.cfm?c=27891), and City staff for more detailed analysis of applicable requirements relating to removal and installation of plants on the Nuisance Plants List.

Certain species on the Nuisance Plants List are required to be removed if found on the property, regardless of whether a land use review or building permit is submitted. These plants are currently limited in distribution; however, they spread rapidly and they are very difficult to control once they become established. These plants are identified in the *Portland Plant List* as the Nuisance Plants List, Required Eradication List. The requirements related to these plants are found in Portland City Code in Title 29, Property Maintenance Regulations, and the related administrative rule.

There are several useful definitions in this discussion. Some of these definitions are used in the City of Portland Invasive Plants Strategy Report 2008, and are revised for use in the *Portland Plant List*; other definitions are terms of use.

- Native: Species that were likely found historically (prior to European settlement) in the Portland area. Ecologically, many of these plants are exclusive food sources for native invertebrates; thus birds and other native animals that consume them rely upon this food source.
- Ornamental: Commercially sold non-native plants typically used in landscape areas.
- Nuisance: Species that threaten the health and safety of Portland citizens and/or degrade the habitat quality of natural areas.
- Invasive: Species that spread at such a rate that they cause harm to human health, the environment, and /or the economy. In natural areas, invasive plants are those species that displace native plants and become the dominant species in that vegetation layer. Invasive plants can halt successional processes by limiting the establishment and the growth patterns of native species. They can deprive native invertebrates of food sources, disrupting the food chain for native wildlife.
- Weed: A plant that grows where it is not wanted. Ecological weeds are pests in natural areas, agricultural weeds are pests in farmed areas, landscaping weeds are pests in landscaped areas, and so on.
- Noxious weed: A weed designated as noxious by the Oregon Department of Agriculture.

The Oregon Department of Agriculture (ODA) has a statewide noxious weed list, including both agricultural and ecological weeds. However, some of the invasive species degrading our natural areas are not on the ODA noxious weed

list. Nursery sales are regulated by ODA under administrative rule (OAR 603-052-1200). This rule prohibits import, transport, propagation or sale of select "A" and "B" state listed noxious weeds and plants on the Federal Noxious Weed List (7 C.F.R. 360.200). The City of Portland does not have jurisdiction to regulate nursery sales or agricultural commodities in Oregon, but the City can regulate the types of vegetation planted. Some of the plants on the ODA Noxious Weed List are included in the City's Nuisance Plants List; these plants would remain subject to OAR 603. The City of Portland has made managing invasive plants a priority and has established programs, regulations, and policies accordingly. In addition, the City focuses efforts on education and outreach, working with the nursery and seed industry, and other actions to prevent the spread of invasive species.

A more localized list to characterize those species that threaten the health and safety of Portland citizens and natural areas is needed. When the first *Portland Plant List* was created, it contained, in addition to the list of native plants, a list of invasive species. For more information about the history of the *Portland Plant List*, see Appendix A.

The City of Portland recognizes that not all non-native plants are invasive. For example, there are many non-native, ornamental garden plants that don't spread rapidly, nor do they alter ecosystem processes. Our knowledge of what is and is not invasive changes over time. The potential for a plant to be invasive can sometimes be predicted using two factors - the level of invasiveness of the plants in areas with similar geologic and climate conditions, and the reproductive methods of the plants. Although invasive potential has not been evaluated for all ornamental plants, some plants included here represent obvious threats. Plants identified on the Nuisance Plants List currently can or do threaten the vitality of native ecosystems. "When an invasive species colonizes a new environment, it leaves behind the natural enemies such as predators or parasites that controlled its population growth in its original home. It can quickly expand, out-competing and overwhelming native species. Native species have not evolved the necessary survival strategies to fend off unfamiliar species or diseases" (Oregon Department of Fish and Wildlife, Conservation Strategy, February 2006).

Modification of ~~lists~~ the Portland Plant List

~~Plants may be added to or removed from the Native Plant List or Nuisance Plant List as follows. When a request to amend either list is received, the Bureau of Planning will consult with three or more knowledgeable persons with botany, biology or landscape architecture backgrounds to determine whether the requested change is warranted. This decision will be forwarded to the applicant and will be final. The primary source for native plant determination is the five volume set, Flora of the Pacific Northwest, by Hitchcock and Cronquist.~~

~~Adding to or removing plants from the Prohibited Plant List must be done through a legislative procedure as provided in Chapter 33.740 of the Zoning Code.~~

The information in the *Portland Plant List* will be updated periodically or as needed to reflect current scientifically accepted information about the characteristics and status of plants on the Native Plants List and the Nuisance Plants List. Changes may include but are not limited to: modification of language in the body of the document, the addition or removal of plants from any list, or a re-assignment of plant ranking.

Changes proposed to the *Portland Plant List* will be made through the City's administrative rule process. Administrative rules provide a streamlined process for reviewing and making changes to technical documents such as the *Portland Plant List*. The Bureau of Planning and Sustainability (BPS) will coordinate review of potential modifications to the *Portland Plant List*. The director of BPS, or their delegate, will make the final decision on the changes to the *Portland Plant List*. Potential modifications to the listed species and ranks will be reviewed by at least three or more knowledgeable persons with botany, biology, landscape architecture, or other qualified backgrounds. BPS will also inform key stakeholders of potential changes and provide reasonable opportunity for review and comment. The public can request changes to the list or changes to the ranks at any time by sending a written request to BPS. Potential amendments might be collected over a period of time and processed in batches, depending on the nature of the changes and resource availability.

The primary source for native plant determination is the five volume set, *Flora of the Pacific Northwest*, by Hitchcock and Cronquist. In some cases, the Oregon Vascular Plant Database (OSU Herbarium) samples, the Oregon Flora Project, and the Urbanizing Flora of Portland, Oregon 1806-2008 (Occasional Paper 3 of the Native Plant Society of Oregon, 2009) by

J.A. Christy, A. Kimpo, V. Marttala, P.K. Gaddis, and N.L. Christy, may also be used to determine whether plants are native to the Portland area.

~~How to Use the Lists~~

~~The lists have many uses, from public education and promotion of our natural heritage to helping someone to choose the most appropriate species for planting. The plant lists are not intended to be a rigorous scientific study but a tool that provides assistance to citizens in selecting appropriate native species for planting. Every effort was made to make them as accurate as possible. The lists are set up to provide for a narrowing of choices from the over 450 species on the full list to a manageable number suitable for a particular site.~~

~~The lists of Native Plant Communities provide a first cut. These lists help narrow the focus to one of nine generalized communities identified for the City of Portland. The community list can then be narrowed further using the section "Native Plants in Detail."~~

~~The Lists~~ How to Use the Lists

The Portland Plant List is divided into ~~four~~ two sections: the Native Plants List (includes native plant communities, native plants in detail), and the Nuisance Plants List ~~and prohibited plants~~. These sections are summarized below.

~~How to Use the Lists – moved from "Introduction" section~~

~~The lists have many uses, from public education and promotion of our natural heritage to helping someone to choose the most appropriate species for planting. The plant lists are not intended to be a rigorous scientific study but a tool that provides assistance to citizens in selecting appropriate native species for planting. Every effort was made to make them as accurate as possible. The lists are set up to provide for a narrowing of choices from the over 450 species on the full list to a manageable number suitable for a particular site.~~

~~The lists of Native Plant Communities provide a first cut. These lists help narrow the focus to one of nine generalized communities identified for the City of Portland. The community list can then be narrowed further using the section "Native Plants in Detail."~~

Native Plants List

The Native Plants List has many uses, from public education and protection of our natural heritage to helping someone choose the most appropriate species for planting.

The Native Plants List is set up in several formats to assist the user. The plants are grouped into nine generalized "Native Plant Communities" for the City of Portland. Using the section "Native Plants in Detail," one can find appropriate plants for particular sites within a plant community.

The lists identify groundcovers (ferns, forbs, grasses, sedges, rushes, and other), shrubs, and trees. The Native Plants List includes the scientific name, the common name, and the associated habitat type. Of special note, tall shrubs are shrubs that resemble trees in growth, structure, or appearance but they are technically considered shrubs. ~~These~~ Tall shrubs may not be used to meet, ~~Title 33 or Title 34~~ in any City title, the standards, criteria, or conditions of approval which require trees.

When considering development, particularly in forested areas, building materials and plant types should be evaluated. The Native Plants List indicates trees and shrubs that are "fire accelerants." Plants identified as "Fire Accelerant Y" are "plants

with higher than average flammable combustion potential due to flammability chemicals present within the leaves, needles, and stems." Plants identified as "Fire Accelerant N (neutral)" are "plants with average flammable combustion potential (there are no chemicals present within the stems, leaves, and needles that make it less flammable or more flammable than average)."

This "fire accelerant" notation is currently only identified on the native shrubs and trees portions of the Native Plant Lists on the web page for the Portland Plant List. We will need to add the notation to the shrubs and trees portions of the Native Plant Lists in the printed version of the Portland Plant List.

Native Plant Communities

The Native Plant Communities section ~~is a generalized listing of~~ describes the nine native plant communities found within the City of Portland. ~~Nine plant communities are identified. Each community contains a list of plants appropriate for that community.~~ The lists include information about common and rare species. ~~indicate which species are commonly found and which are more rarely found in the community~~.

Native Plants in Detail

The ~~community list can be narrowed further using the~~ Native Plants in Detail section provides specific information on each of the native plants on the Native Plants List. ~~This section is an individual breakdown of the native plants historically found in the City of Portland.~~ The list divides the plants into the following sub–groups: trees, shrubs, forbs, grasses, sedges and rushes, ferns, and others. For each group, the list includes the scientific (Latin) name of the species, ~~its~~ common name, ~~its~~ wetland indicator status, and ~~its~~ life history characteristics. The life history characteristics include: information on flowering, light requirements, water requirements, and habitat type (wetland, riparian, forest, forested slopes, thicket, grass and rocky). Special lists are provided for ~~aggressive growers,~~ groundcovers and vines, and native plants used as food by wildlife.

~~Nuisance Plants~~

~~The Nuisance Plants section is a listing of plants found in the City of Portland which can be removed manually without requiring an environmental review or greenway review. Other local, state or federal laws may still regulate removal of certain plants on this list. Nuisance plants may be native, naturalized or exotic. They are divided into two groups: plants which are considered a nuisance because of their tendency to dominate plant communities, and plants which are considered harmful to humans. Each group identifies the scientific and common plant names and their indicator status.~~

~~Prohibited Plants~~

~~The Prohibited Plants section is a listing of plants which the City of Portland prohibits from use in all reviewed landscaping situations within the City limits. These plant species pose a serious threat to the health and vitality of native plant and animal communities. Manual removal of these plants is exempt from land use review.~~

Nuisance Plants List

The plants on the Nuisance Plants List are invasive; they threaten the health and vitality of native habitats, humans, and cause economic harm to public and to private landowners. Planting of these plants should be avoided and removal encouraged. The Nuisance Plants List includes the common and scientific plant names, and assigns priority ranks of A, B, C, D, and W. The ranks were developed to educate the public about the distribution of and level of invasiveness of each species. In addition, these ranks help land managers prioritize actions when there are limited resources. The ranks apply to the named species only, and include any sub-species, varieties, or cultivars of these species, unless otherwise noted.

Taxa

Plant names used in the *Portland Plant List* are taken primarily from Appendix III of *The Jepson Manual* (1993), and the five-volume set, *Flora of the Pacific Northwest* (1973), by Hitchcock and Cronquist. Other sources are *Flora of North America, Volume 2: Ferns and Gymnosperms* (Oxford University Press 1993), and ~~recent~~ research by the Carex Working Group and Barbara L. Wilson. Be aware that the names of some familiar species~~—such as Cornus stolonifera, now Cornus sericea ssp. sericea—were changed in *The Jepson Manual* and in the more recent research.~~ have been changed. Plant names can be determined online at with the PLANTS database at http://plants.usda.gov/ and by the Oregon Flora Project at http://www.oregonflora.org.

~~History~~

~~In February 1986, the Greenway Plant List was developed in consultation with local ecologists, biologists and naturalists. Later that year, this list was adapted for the Columbia River Corridor area. Use of native plants from the list first became a requirement within the Willamette River Greenway Zones, and was later required within the Environmental Zones when adopted in 1989 for the Columbia Corridor. Soon thereafter, a Technical Advisory Committee (TAC) was established to review and expand the list to cover all of Portland. As part of that review, the TAC identified the need to create categories for native, nuisance and prohibited plants. The expanded "Portland Plant List," covering native and nuisance plants throughout the City, was adopted by the Portland City Council on November 13, 1991.~~

~~Amendments passed on May 26, 1993 and September 21, 1994 further refined and expanded the List, and added prohibited plants. In July, 1995, the list was updated to include name changes from recent references, as cited in Appendix III of The Jepson Manual.~~

Moved History to the APPENDIX

Native Plants in Detail

This section provides illustrated descriptions of woody plants and tables summarizing the features of herbaceous plants historically found in the City of Portland. The list includes several plants known to occur within the Urban Growth Boundary or not more than ten miles from Portland. ~~And~~ The plants are expected to occur within the City based on the presence of suitable habitat, the judgment of local botanical expert, the range of maps of the Oregon Flora Project, the publication Urbanizing Flora of Portland, Oregon 1806-2008, or the range descriptions found in Hitchcock and Cronquist's Flora of the Pacific Northwest (1973) ~~(1994)~~.

The plants are divided into the following ~~seven~~ groups:

Trees (with illustrations)
- Evergreens
- Deciduous
- ~~Arborescent Shrubs~~
- Silhouettes (illustration)

~~**Arborescent shrubs**~~

Shrubs (with illustrations) (including tall shrubs i.e. those equal to or greater than 15 ft. tall)
Herbaceous

- **Forbs**
- **Grasses**
- **Sedges, Rushes**
- **Ferns**
- **Other**

The following ~~four~~ additional special lists are also included:

~~Aggressive Growers: Nuisance or Advantage~~
~~Ground Covers~~ Groundcovers and Vines
Native Plants Used as Food by Wildlife

Habitat Types

Habitat types are indicated for both the illustrated plant descriptions and in the tables. The habitat types are wetland, riparian, forest, forested slopes, thicket, grass and rocky. "Wetland" includes all forms of wetlands found in Portland. "Riparian" includes the riparian areas along the Willamette and Columbia Rivers, and other streams in Portland. "Forest" refers to upland forested areas with little or no slope. "Forested slopes" refers to steeply sloping upland forests such as the west hills and various buttes found in Portland. "Thicket" refers to edges of forests and meadows and includes hedgerows and clumps of vegetation that may be found in meadows. "Grass" refers to open areas or meadows. It may also include clearings in forested areas. "Rocky" refers to rocky upland areas, and may include outcrops and cliffs.

The information on habitat types is intended to provide general guidance for appropriate planting locations; certain plants, however, have highly specialized habitats which may make them appropriate for use only in specific areas of the city. For example, the Columbia River Willow (*Salix exigua var. columbiana ~~fluviatilis~~*) normally occurs only along the main stems of the Willamette and Columbia Rivers and is not appropriate for use in all "wetland" or "riparian" habitats throughout the city. For this reason, it may be helpful to consult with ~~Bureau of Planning~~ City staff, local botanists, or references ~~published sources~~ such as those listed in the "Resources" section when preparing a planting plan.

~~**Arborescent Shrubs** are shrubs that resemble trees in growth, structure, or appearance. These shrubs may not be used to meet Title 33 or Title 34 standards, criteria, or conditions of approval which require trees.~~

Sources of Native Plants

Native plants can be acquired through many ~~local and specialty plant~~ nurseries in the Portland area. ~~A useful native plant directory, Hortus West, is available at the Bureau of Planning.~~ Occasionally, particularly for large orders or less common plants, growers will need time to propagate and raise plants before they are ready for installation. For this reason, growers may need advance notice of plant orders and project timelines should allow adequate time to fill such orders. For additional information about native plants, see the "Resources" section.

Aggressive Growers: Nuisance or Advantage?

Certain native plants grow so vigorously that they will establish themselves in considerable numbers very quickly. Sometimes, this characteristic is desirable. For example, when trying to revegetate a cleared area or to prevent erosion on disturbed soil, it may be necessary to find plants that fill in very quickly.

However, some native plants are so vigorous that they are problematic. These plants will grow rampantly and will crowd out other, less aggressive species. A list of these 'dominating' plants can be found in the Nuisance Plant List.

Fast-Spreading Trees and Shrubs:

The following listed plants are particularly fast-growing and spread quickly. However, they are not considered problematic in the Portland area. These would be good plant choices if you want to revegetate a disturbed area quickly or perhaps want to develop a thicket for habitat value.

TREES	*Latin Name*	*Common Name*
	Alnus rubra	Red Alder
	Fraxinus latifolia	Oregon Ash
	Populus balsamifera ssp trichocarpa	Black Cottonwood
	Salix lucida ssp. lasiandraPacific	Willow

SHRUBS	*Latin Name*	*Common Name*
	Prunus virginiana	Common Chokecherry
	Salix fluviatilis	Columbia River Willow
	Salix hookeriana	Piper's Willow
	Salix rigida var. macrogemma	Rigid Willow
	Salix scouleriana	Scouler Willow
	Salix sessilifolia	Soft-leaved Willow
	Salix sitchensis	Sitka Willow

SHRUBS (continued)	Cornus sericea ssp. sericea	Red-osier Dogwood
	Poa howellii	
	Rubus leucodermis	
	Rubus ursinus var. macropetalus	Dewberry
	Rubus parviflorus	Thimbleberry
	Rubus spectabilis	Salmonberry
	Spiraea douglasii	Douglas's Spiraea
	Symphoricarpos albus	Common Snowberry
	Symphoricarpos mollis	Creeping Snowberry

~~Nuisance Plants~~

~~Nuisance plants are plants which are considered a nuisance because of their tendency to dominate plant communities, and/or are considered harmful to humans. These plants may be native, naturalized or exotic. Plants on this list can be removed without environmental or greenway review. Other local, state or federal laws may still regulate removal of certain plants on this list.~~

~~Latin Name~~	*~~Common Name~~*
~~Acer platanoides~~	~~Norway Maple~~
~~Acroptilon repens~~	~~Russian Knapweed~~
~~Aegopodium podagraria and variegated varieties~~	~~Goutweed~~
~~Agropyron repens~~	~~Quack Grass~~
~~Ailanthus altissima~~	~~Tree-of-heaven~~
~~Alliaria officinalis~~	~~Garlic Mustard~~
~~Alopecuris pratensis~~	~~Meadow Foxtail~~
~~Anthoxanthum odoratum~~	~~Sweet Vernalgrass~~
~~Arctium minus~~	~~Common Burdock~~
~~Arrhenatherum elatius~~	~~Tall Oatgrass~~
~~Bellis perennis~~	~~English Lawn Daisy~~
~~Betula pendula laeinata~~	~~Cutleaf Birch~~
~~Borago officinalis~~	~~Borage~~
~~Brachypodium sylvaticum~~	~~False Brome~~
~~Bromus diandrus~~	~~Ripgut~~
~~Bromus hordeaceus~~	
~~Bromus inermis~~	~~Smooth Brome-grasses~~
~~Bromus japonicus~~	~~Japanese Brome-grass~~

~~*Latin Name*~~	~~*Common Name*~~
~~Bromus sterilis~~	~~Poverty Grass~~
~~Bromus tectorum~~	~~CheatGrass~~
~~Buddleia davidii except cultivars and varieties~~	~~Butterfly Bush~~
~~Callitriche stagnalis~~	~~Pond Water Starwort~~
~~Cardaria draba~~	~~Hoary Cress~~
~~Carduus acanthoides~~	~~Plumeless Thistle~~
~~Carduus nutans~~	~~Musk Thistle~~
~~Carduus pycnocephalus~~	~~Italian Thistle~~
~~Carduus tenuifolius~~	~~Slender Flowered Thistle~~
~~Centaurea biebersteinii~~	~~Spotted Knapweed~~
~~Centaurea diffusa~~	~~Diffuse Knapweed~~
~~Centaurea jacea~~	~~Brown Knapweed~~
~~Centaurea pratensis~~	~~Meadow Knapweed~~
~~Chelidonium majus~~	~~Lesser Celandine~~
~~Chicorum intybus~~	~~Chicory~~
~~Chondrilla juncea~~	~~Rush Skeletonweed~~
~~Cirsium arvense~~	~~Canada Thistle~~
~~Cirsium vulgare~~	~~Common Thistle~~
~~Clematis ligusticifolia~~	~~Western Clematis~~
~~Clematis vitalba~~	~~Traveler's Joy~~
~~Conium maculatum~~	~~Poison-hemlock~~
~~Convolvulus arvensis~~	~~Field Morning-glory~~
~~Convolvulus seppium~~	~~Lady's nightcap~~
~~Cortaderia selloana~~	~~Pampas grass~~
~~Crataegus sp. except C. suksdorfii~~	~~Hawthorn, except native species~~
~~Daucus carota~~	~~Queen Anne's Lace~~

~~*Latin Name*~~	~~*Common Name*~~
~~Dipsaucus fullonum~~	~~Common Teasel~~
~~Egeria densa~~	~~South American Waterweed~~
~~Equisetum arvense~~	~~Common Horsetail~~
~~Equisetum telemateia~~	~~Giant Horsetail~~
~~Erodium cicutarium~~	~~Crane's Bill~~
~~Euphorbia lathyrus~~	~~Mole Plant~~
~~Festuca arundinacea~~	~~Tall Fescue~~
~~Foeniculum vulgare~~	~~Fennel~~
~~Galium odoratum~~	~~Sweet Woodrull~~
~~Geranium lucidum~~	~~Shining Geranium~~
~~Geranium robertianum~~	~~Robert Geranium~~
~~Geum Urbanum~~	~~European Avens~~
~~Hypericum perforatum~~	~~St. John's Wort~~
~~Heracleum mantegazzianum~~	~~Giant Hogweed~~
~~Hieracium aurantiacum~~	
~~Hieracium cespitosum~~	~~Yellow Hawkweed~~
~~Hieracium laevigatum~~	~~Smooth Hawkweed~~
~~Hieracium pilosella~~	~~Mouse-ear Hawkweed~~
~~Holcus lanatus~~	~~Velvet Grass~~
~~Houttuynia cordata~~	~~Chameleon Plant~~
~~Hydrilla verticillata~~	~~Hydrilla~~
~~Hypocharis radicata~~	~~Spotted Cat's Ear~~
~~Ilex aquafolium~~	~~English Holly~~
~~Impatiens glandulifera~~	~~Policemen's Helmet~~
~~Iris pseudacorus~~	~~Yellow Flag~~
~~Juncus effusus v. effusus~~	~~European Soft Rush~~
~~Laburnum watereri~~	~~Golden Chain Tree~~

~~*Latin Name*~~	~~*Common Name*~~
~~Lactuca muralis~~	~~Wall Lettuce~~
~~Lactuca serriola~~	~~Prickly lettuce~~
~~Lamium maculatum~~	~~White Nancy~~
~~Lapsana communis~~	~~Nipplewort~~
~~Lemna minor~~	~~Duckweed, Water Lentil~~
~~Leontodon autumnalis~~	~~Fall Dandelion~~
~~Leucanthemum vulgare~~	~~Oxeye Daisy~~
~~Ligustrum vulgare~~	~~Privet~~
~~Linaria dalmatica ssp. dalmatica~~	~~Dalmation Toadflax~~
~~Linaria vulgaris~~	~~Yellow Toadflax~~
~~Lolium multiflorum~~	~~Annual Ryegrass~~
~~Lotus corniculatus~~	~~Bird's Foot Trefoil~~
~~Ludwigia hexapetala~~	~~Water Primrose~~
~~Lunaria annua~~	~~Money Plant~~
~~Lychnis alba~~	~~White Campion~~
~~Lysimachia nummularia~~	~~Creeping Jenny~~
~~Lythrum portula~~	~~Spatula Leaf Purslane~~
~~Melilotus alba~~	~~Sweetclover~~
~~Melilotus officinalis~~	~~Yellow Sweetclover~~
~~Melissa officianalis~~	~~Lemon Balm~~
~~Mentha pulegium~~	~~Penny Royal~~
~~Myriophyllum aquaticum~~	~~Parrots Feather~~
~~Myriophyllum spicatum~~	~~Eurasian Watermilfoil~~
~~Nymphaea odorata~~	~~Fragrant Water Lily~~
~~Onopordum acanthium~~	~~Scotch Thistle~~
~~Panicum capillare~~	~~Witchgrass~~
~~Parentucellia viscosa~~	~~Parentucellia~~

~~*Latin Name*~~	~~*Common Name*~~
~~Paulownia tomentosa~~	~~Princess Tree~~
~~Phalaris aquatica~~	~~Harding Grass~~
~~Phleum pratensis~~	~~Timothy~~
~~Phragmites australis~~	
~~Phytolacca americana~~	~~Pokeweed~~
~~Poa annua~~	~~Annual Bluegrass~~
~~Polygonum aviculare~~	~~Doorweed~~
~~Polygonum coccineum~~	~~Water Smartweed~~
~~Polygonum convolvulus~~	~~Climbing Bindweed~~
~~Polygonum cuspidatum~~	~~Japanese Knotweed~~
~~Polygonum polystachyum~~	~~Himalayan Knotweed~~
~~Polygonum sachalinense~~	~~Giant Knotweed~~
~~Populus alba~~	~~White Poplar~~
~~Potamogeton crispus~~	~~Curly Leaf Pondweed~~
~~Prunus avium except cultivars and varieties~~	~~Sweet Cherry~~
~~Prunus laurocerasus~~	~~English, Portugese Laurel~~
~~Pueraria lobata~~	~~Kudzu~~
~~Ranunculus ficaria~~	~~Lesser Celandine~~
~~Ranunculus repens~~	~~Creeping buttercup~~
~~Rhus diversiloba~~	~~Poison Oak~~
~~Rubus laciniatus~~	~~Evergreen Blackberry~~
~~Robinia pseudoacacia except cultivars and varieties~~	~~Black Locust~~
~~Rorippa nasturtium-aquaticum~~	~~European Watercress~~
~~Rosa eglanteria~~	~~Sweet Briar~~
~~Rosa multiflora~~	~~MultifloraRose~~

~~*Latin Name*~~	~~*Common Name*~~
~~Rumex acetosella~~	~~Red Sorrel~~
~~Rumex crispus~~	~~Curly Dock~~
~~Secale cerale~~	~~Cultivated Rye~~
~~Senecio jacobaea~~	~~Tansy Ragwort~~
~~Silene alba~~	~~White Campion~~
~~Silybum marianum~~	~~Blessed Milk Thistle~~
~~Sisyrimbium officinale~~	~~Hedge Mustard~~
~~Solanum dulcamara~~	~~Blue Bindweed~~
~~Solanum nigrum~~	~~Garden Nightshade~~
~~Solanum sarrachoides~~	~~Hairy Nightshade~~
~~Sonchus arvensis ssp. arvensis~~	~~Perennial Sowthistle~~
~~Sorbus aucuparia except cultivars and varieties~~	~~European Mountain Ash~~
~~Sorghum halepense~~	~~Johnson Grass~~
~~Taeniatherum caput-medusa~~	~~Medusahead~~
~~Tanacetum vulgare~~	~~Common Tansy~~
~~Taraxacum officinale~~	~~Common Dandelion~~
~~Trifolium arvense~~	~~Hare's Foot Cover~~
~~Trifolium hybridum~~	~~Alsike Clover~~
~~Trifolium repens~~	~~White Clover~~
~~Trifolium subterraneum~~	~~Subterraneum Clover~~
~~Ulex europaeus~~	~~Gorse~~
~~Ulmus pumila~~	~~Siberian Elm~~
~~Utricularia inflata~~	~~Swollen Bladderwort~~
~~Utricularia vulgaris~~	~~Common Bladderwort~~
~~Verbascum blattaria~~	~~Moth Mullein~~
~~Verbascum thapsus~~	~~Mullein~~

~~*Latin Name*~~	~~*Common Name*~~
~~Verbena bonariensis~~	~~Tall Verbena~~
~~Vicia cracca~~	~~Tufted~~
~~Vicia sativa~~	
~~Vicia villosa~~	~~Hairy Vetch~~
~~Vinca major~~	~~Periwinkle (large leaf)~~
~~Vinca minor~~	~~Periwinkle (small leaf)~~
~~Vulpia myoris [Festuca myorus]~~	~~Rat-tailed Fescue~~
~~Xanthium spinoseum~~	~~Spiny Cocklebur~~
~~Various genera~~	~~Bamboo sp~~

~~Prohibited Plants~~

~~The Prohibited Plants section is a listing of plants which the City of Portland prohibits being used in all reviewed landscaping situations within the City limits. This provision applies to the below named species only, and includes any sub-species, varieties or cultivars of these species. Additional plant species are prohibited by adopted land use plans in specific areas or situations.~~

~~*Latin Name*~~	~~*Common Name*~~
~~Cytisus scoparius~~	~~Scot's Broom~~
~~Hedera helix~~	~~English Ivy~~
~~Lythrum salicaria~~	~~Purple Loosestrife~~
~~Phalaris arundinacea~~	~~Reed Canarygrass~~
~~Rubus discolor~~	~~Himalayan Blackberry~~

Nuisance Plants in Detail

The plants on the Nuisance Plants List are species that threaten the health and vitality of native plant and animal communities, humans, and the economy. Most of the non-native plants on this list exist or have been found in Portland or in the four-county metropolitan region. The introduction to the *Portland Plant List* provides a description of code requirements related to the Nuisance Plants List. Please consult the City of Portland Zoning Code, other City codes, and City staff for more detailed analysis of applicable requirements relating to the prohibition on planting, and the required removal of plants on the Nuisance Plants List.

The provisions related to plants on the Nuisance Plants List apply to the named species on the Nuisances Plants List, and includes any sub-species, varieties, or cultivars of these species, unless otherwise noted. The Nuisance Plants List identifies each plant as tree, shrub, herbaceous, or aquatic. Herbaceous plants are non-woody plant species such as groundcovers, ferns, forbs, sedges, rushes, grasses and other plants.

Impacts

Invasive plant species have an impact on human and wildlife health and safety, water quality, biodiversity, fish and wildlife habitat, tree cover, fire risk, and the economy, as summarized in the paragraphs below. The City of Portland is committed to reducing these impacts to the highest degree possible within the limits of public resources and jurisdictional authority. The City also works to facilitate cooperation toward this end among citizens, developers, and land stewards.

To successfully prevent and minimize the spread of invasive species, it is important to understand where they come from and how they have become problematic. All of the plants on the Nuisance Plants List are non-native species; some were intentionally introduced, while others arrived incidentally. It is easy to transport plants. For example, non-native or ornamental plants can be purchased and installed in gardens. Vehicles can track plant seeds on tires. Humans can track seeds on their shoes, and livestock and pets can transport seed on their fur or feet. Many plant seeds or plant parts (e.g. knotweed rhizomes or shoots) are dispersed by wind and water. Animals may eat seeds and deposit them. Knowing how plants reproduce and spread is very helpful in preventing the vector distribution and controlling populations once established.

While many non-native plants introduced into this region have reproduced rapidly, not all non-native plants become invasive. When plants are no longer in their native environment, they enter new relationships within the ecological communities they occupy. Sometimes, they cause very little disruption to the systems they enter, while at other times they cause great disturbance. These detrimental impacts my take years to become noticeable, or they may quickly become evident. Additionally, many native invertebrates have co-evolved over many millennia, and many invertebrates need specific or a very few species for their food. If native plants are lost, these invertebrates may disappear from an infested area. This is why it is important from an ecological perspective to track and classify the aggressiveness of invasive plants.

Human and Wildlife Health and Safety

Humans and animals can be seriously impacted by invasive plants when they come into contact with the plants or eat the plants. For example, Paterson's curse (*Echium plantagineum*) contains pyrolizidine alkaloids; these alkaloids are poisonous to grazing animals. Humans handling the plant may incur mild to severe skin irritation and hay fever. Giant hogweed (*Heracleum mantegazzianum*) exudes a sap that sensitizes the skin to ultraviolet radiation. With exposure to the sun, severe burns can result in blisters and scars. If giant hogweed is burned and smoke is inhaled, it can cause burns in the respiratory tract.

Water Quality

Typically in the Pacific Northwest, native plant roots extend deep into the soil. Many species have extensive roots that bind the soils and reduce erosion. A diversity of plants provides a diversity of root structures and depths, and therefore, better erosion control. Monocultures homogenize root systems and provide poor erosion control. When erosion occurs, sediment is released into streams and increases stream turbidity, which in turn, impairs water quality.

For example, English ivy (*Hedera helix*) is an invasive, non-native groundcover plant that is prevalent in the City of Portland. English ivy provides little root structure to bind and hold the soil. While the expansive spread of English ivy provides an appearance of a plant holding soil strongly, the opposite is true. The roots are easily disturbed and eroded. In addition, English ivy often climbs into trees and envelops them, reducing tree strength and health and longevity, which in turn can affect soil stability and stream shading.

Some plants, such as Japanese knotweed (*Polygonum cuspidatum*) and Himalayan or Armenian blackberry (*Rubus discolor or Rubus armeniacus*), form monocultures that prevent trees from establishing. This reduces tree cover and shade in streamside environments. Without this tree cover, the water temperature in the stream increases. Higher water temperatures are associated with lower dissolved oxygen which adversely affects aquatic macroinvertebrates and native fish populations.

Biodiversity

Invasive plants are the second largest threat to biodiversity (behind habitat loss) and they are one of the primary factors that lead to a species listing under the Endangered Species Act (City of Portland Invasive Plants Strategy Report 2008).

Invasive plants spread quickly, and can displace or prevent the growth of native plants. Invasive plants can, as noted already, form monocultures. This can exacerbate the decline of native plant communities, and impair the overall complexity and resilience of the ecosystem. According to the International Convention on Biological Diversity, "Invasive alien species are one of the greatest threats to biodiversity" (www.csiro.au/news/global-biodiversity.html).

Fish and Wildlife Habitat

Invasive plants can outcompete and displace native plants that provide food and cover for native wildlife. With a loss of habitat, a change in land use, and encroachment of invasive species, the native animals no longer have the appropriate food and habitat available to them. Non-native animals may come into these areas and displace native animals. Aquatic plants such as hydrilla (*Hydrilla verticillata*) and Eurasian watermilfoil (*Myriphyllum spicatum*) form dense mats of vegetation that clog waterways and create stagnant water that provides breeding grounds for mosquitoes. Invasive aquatic plants can clog irrigation ditches and intake pipes, and negatively impact recreation activities such as swimming, boating, fishing and water skiing.

Tree Cover

As noted above, invasive plants can reduce tree health and longevity. For example, English ivy (*Hedera helix*) can grow so extensively that it can weigh down trees, causing them to fall down (especially during ice storms) or making them more susceptible to blow down. Invasive plants can also reduce the growth of trees. Garlic mustard (*Alliaria petiolata*) reduces the presence of soil fungi that form mycorrhizal associations with plants. Soil mycorrihizae allow plant roots to access more soil moisture and lack of soil mycorrihizae has been documented to

inhibit the growth of tree seedlings, which may prevent future forest regeneration. Less tree cover develops because seedlings don't get established. Seedlings and saplings also have a difficult time establishing when dense cover is created by invasive plants because the invasive plants can prevent sunlight from reaching the ground.

Fire

Invasive plants can create fuel sources for wildfires. Plants such as Traveler's joy (*Clematis vitalba*) can spread quickly and form layers or thickets of vegetation. The monocultures can also increase the frequency of wildfires. For example, cheatgrass (*Bromus tectorum*) is an invasive plant that becomes dry and is more likely to catch fire. Gorse (*Ulex europaeus*) contains high levels of natural oils that make the plant highly flammable. The City of Bandon fire on September 26, 1936 is attributed to gorse. According to news reports, when the winds shifted, fire spread from the forest to the town and "the town's abundant gorse exploded into an inferno" (www.ohs.org/education/oregonhistory/historical_records/dspDocument.cfm?doc_ID=9326D333-960F-57C1-C7CB9A48D590224F). Even dead plants can be problematic. English ivy (*Hedera helix*), for example, can become a conduit for fire to reach the tree canopy, and threaten nearby structures. Invasive plants contributed to the wildfire that occurred in 2001 on the Willamette Bluffs in Portland. A spark from a passing train ignited the slope covered with Himalayan or Armenian blackberry (*Rubus discolor or Rubus armeniacus*) and Scotch broom (*Cytisus scoparius*); as a result of the fire, 43 acres burned.

Economy

Jurisdictions at the local, state, and federal level as well as non-profit community organizations are increasing their efforts to control invasive plants and animals. The Oregon Invasive Species Council estimates the cost of invasive plants and animals to the U.S. economy is $120 million a year in lost crop and livestock efforts, property value damage, and reduced export potential. The Oregon Department of Agriculture estimates that 21 invasive species reduce personal income by $83 million per year.

Increasing prevention and early detection efforts limits the introduction and spread of invasive plants and the costly removal efforts related to them. The U.S. Congress Office of Technology Assessment states that one dollar spent on weed control efforts prevents $17 in costs for future control efforts. When early detection and removal efforts are not implemented, the plants spread quickly and widely. The costs of invasive plant removal become tremendous; eradication may not be possible at that point, and the habitat impacts become large scale. In early detection efforts, to borrow and modify a cliché, "an ounce of prevention is worth more than a pound of cure."

The statistics in these two paragraphs are from the Oregon Department of Agriculture, Economic Analysis of Containment Programs, Damages, and Production Losses from Noxious Weeds in Oregon, 2000.

Ranks

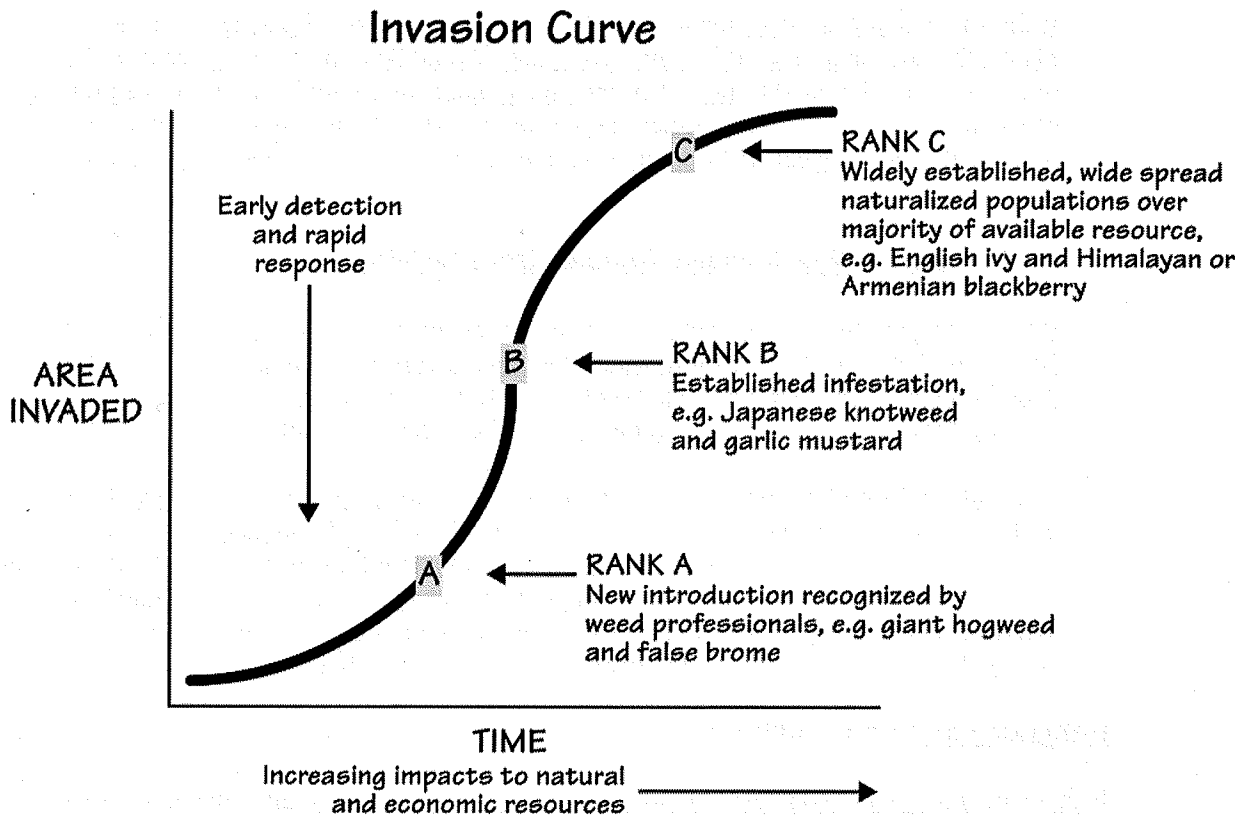
Each plant on the Nuisance Plants List is assigned a rank. The ranks are defined below and describe the relative invasiveness of the plant species, and the current distribution in the region.

Preventing the introduction of invasive species is the best way to avoid an infestation. Limiting the planting of invasive species and educating people about the impacts of invasive species are two effective means to keep invasive plants from spreading to and from public and private lands. One use of the Nuisance Plants List is to educate people such as property owners, other citizens,

land managers, commercial plant growers and sellers, and landscapers about which species are invasive. The benefits of preventing plant introductions applies to new invasive plants or existing invasive plants which may be transported to new areas. It is important to know that the Nuisance Plants List is not a "final" list; the list will change as new information about plants is identified. When other species become invasive in the future, the list will change to reflect that.

Early detection and rapid response invasive species management programs aim to control new plant invasions before they become large infestations. The premise is that once an infestation covers a large area, it is more difficult and to eradicate, and the native plant community has to be re-established. Controlling small populations of invasive plants before they become more widespread is a very cost effective way to prevent the spread of invasive plants.

The graph called an Invasion Curve is included here to illustrate how the area of infestation expands over time. When a plant is just arriving in an area, it is at the low point of the Invasion Curve; this is the best time to identify plants as invasive and to remove them. As the plant spreads over time, the distribution increases substantially and rapidly, becoming widely distributed and established. At this later point in the curve, landowners and other citizens are often more aware of the plant and can recognize it more readily, but it is so well established that a great deal of time and expense is involved in removing it.



The City of Portland emphasizes prevention of introduction and prevention of movement of invasive plants. When new invasive plants are found, then the City emphasizes the early detection and eradication of invasive plants that are not yet widespread. Ranks provide a tool to prioritize management actions related to plants. In brief, plants that are locally abundant and well distributed are identified with rank C and D, while those plants that are not as abundant are identified with rank A and B. Rank A plants are a top priority for control and removal, while rank

D plants currently pose less threat to ecological functions than the others. Some of the Watch (rank W) plant species have not yet been observed in the region but are invasive in similar habitats elsewhere, and are of concern should they become established here. In addition, some of the plants are harmful to humans or wildlife, and the economy.

How to Use Ranks with Invasive Plant Management Priorities

Invasive plant management strategies vary; two important factors are the size of land to manage and the resources available. Decisions may be made site by site. Ranking plants provides a method to prioritize management of invasive plants with available resources. There are generally two approaches to consider; maintaining existing conditions and enhancing existing conditions.

Maintaining Existing Conditions

Given limited resources and/or large management areas, invasive plant management efforts may need to be limited to maintaining existing conditions to prevent further habitat degradation. Maintenance of existing conditions can be accomplished in two ways; removing small patches of invasive species and preventing new invasive species from arriving.

- **Removing Small Patches of Invasive Species**

If the site contains a native plant community and there are small patches of invasive plants, then the small patches of invasive plants should be removed to prevent further degradation of site conditions. When the native plant community is present, then removal of small patches of invasive species can be conducted without re-planting native species because the native species will likely re-colonize within the small patch of invasive species removed.

- **Preventing New Invasive Species from Arriving**

If the site is monitored to prevent new invasive species from arriving, consult the Nuisance Plants List to determine which species are currently limited in distribution (rank A and rank B). It is important to prevent the establishment of rank A and rank B species because they are very difficult to remove once they become established.

If the site lacks rank C species, then site monitoring should also prevent the establishment of these species. However, many urban sites may already be dominated by rank C species. Removal of large patches of rank C species should not be conducted unless it can be followed up with a site re-vegetation plan that includes multiple years of monitoring and maintenance. Follow up re-vegetation efforts, including monitoring and maintenance, are needed because without it, the invasive species will likely re-colonize the area.

Enhance Existing Conditions

If there are sufficient resources to remove invasive plants and re-establish the native plant community, then site management efforts can be aimed at removing larger patches of invasive species. Typically, these will be rank C species on the Nuisance Plants List. Converting sites from degraded conditions (i.e. predominantly covered with invasive species) to a higher quality habitat condition (i.e. one dominated by native plants) will likely take 3-5 years (or more) of monitoring and follow up maintenance to completely remove invasive plants and establish a native plant community. Sites with large amounts of invasive species will probably never be entirely free from invasive species; however, if the native trees and shrubs can be established over a 3-5 year period such that they are taller than nearby invasive species, then the site can be deemed "free to grow" and a native canopy will likely develop with limited future maintenance.

Definitions

Eradication - Eradication is the removal of the entire nuisance plant – including the above ground portion of the plant, and the roots, shoots and seeds of the plant. The eradication provisions apply to those plants on the Nuisance Plants List, Required Eradication List.

Invasive - Species that spread at such a rate that they cause harm to human health, the environment, and /or the economy. In natural areas, invasive plants are those species that displace native plants and become the dominant species in that vegetation layer. Invasive plants can halt successional processes by limiting the establishment and the growth patterns of native species.

Nuisance Plant Removal. - Removal may entail actions such as the removal of: roots, the above ground portion of the plant, and/or the seeds of the plants such that existing non-nuisance and/or newly installed plants are able to grow and survive. The non-nuisance plants are maintained free of nuisance plants. The City's nuisance plants are identified on the Nuisance Plants List.

Ranks -

A- These species are known to be invasive. These species are known to occur but are not widely distributed in the region. Distribution is limited to a few sites. They spread rapidly and they are difficult to control once they become widespread.

B – These species are known to be invasive. These species are known to occur in the region. They are more abundant and widely distributed than A; however, the distribution is still limited to patches or specific habitats. Distribution is not as widespread as C plants. These species can spread rapidly and are difficult to control once they become widespread.

C – These species are known to be invasive. These species are widely distributed and abundant throughout the region. Their distribution is already very extensive throughout the natural areas and they are difficult to control once they become widespread. These plants are considered ubiquitous.

D- These species are known to be less aggressive than A, B, and C species. These species are known to occur in the region. These plants persist in the ecosystems with native species and therefore, have less impact on the system than the A, B, and C species.

W- Watch species. Species occurrence and distribution should be monitored for presence and/or to determine the level of invasiveness in the region.

Region – The region includes the four counties of Multnomah, Clackamas, Washington in Oregon, and Clark County in Washington. The cities within those counties are also included. Clark, Multnomah, Clackamas, and Washington Counties are part of the 4 County CWMA.

Notes to reviewers for the Nuisance Plants List: The "Current PPL Designation" column will be deleted in the final version of the *Portland Plant List*. The "Proposed Rank" column will become the "Rank" column. In the "Plant Type" column, the term herbaceous includes groundcovers, ferns, forms, sedges, rushes etc. The "ODA Rank" column will remain in the Required Eradication List. At the end of each list, the footnotes "nuis/pro/add" and "ranks" will be deleted in the final version. The "city ranks" and the "note" footnotes will remain.

City of Portland Nuisance Plants List
1/12/2010

Scientific Name	Common Name	Current PPL Designation[1]	Proposed Rank[2]	Plant Type
Rank A Plants				
Acroptilon repens	Russian knapweed	Nuis	A	herbaceous
Brachypodium sylvaticum	False brome	Nuis	A	herbaceous
Carduus pycnocephalus and Carduus tenuiflorus ~~(C. tenufolius)~~	Italian thistle or slender flowered thistle	Nuis	A	herbaceous
Carex pendula	Pendant sedge	**Add**	A	herbaceous
Cortaderia jubata	Jubata grass	**Add**	A	herbaceous
Echium plantagineum	Paterson's curse	**Add**	A	herbaceous
Heracleum mantegazzianum	Giant hogweed	Nuis	A	herbaceous
Hieracium aurantiacum	Orange hawkweed	Nuis	A	herbaceous
Hieracium pratense (H. cespitosum)	Meadow hawkweed (formerly listed as Yellow hawkweed)	Nuis	A	herbaceous
Impatiens glandulifera	Policemen's helmet	Nuis	A	herbaceous
Lamiastrum galeobdolon	Yellow archangel	**Add**	A	herbaceous
Ludwigia hexapetala (Jussiaea uruguayensis)	Water primrose	Nuis	A	aquatic
Onopordum acanthium	Scotch thistle	Nuis	A	herbaceous
Phalaris aquatica	Harding grass	Nuis	A	herbaceous
Phragmites australis (introduced var. only)	Common reed	Nuis	A	herbaceous
Phytolacca americana	Pokeweed	Nuis	A	shrub
Pueraria lobata	Kudzu	Nuis	A	herbaceous
Silybum marianum	Blessed milk thistle	Nuis	A	herbaceous
Tamarix ramosissima	Salt cedar	**Add**	A	shrub
Ulex europaeus	Gorse	Nuis	A	shrub
Utricularia inflata	Swollen bladderwort	Nuis	A	aquatic
Verbena bonariensis	Tall verbena	Nuis	A	herbaceous
Rank B Plants				
Abutilon theophrasti	Velvetleaf	**Add**	B	herbaceous
Acer platanoides	Norway maple	Nuis	B	tree
Ailanthus altissima	Tree-of-heaven	Nuis	B	tree
Alliaria petiolata ~~(officinalis)~~	Garlic mustard	Nuis	B	herbaceous
Amorpha fruticosa	Indigo bush	**Add**	B	shrub

Scientific Name	Common Name	Current PPL Designation[1]	Proposed Rank[2]	Plant Type
Buddleja (Buddleia) davidii ~~(except cultivars and varieties)~~	Butterfly bush	Nuis	B	shrub
Centaurea stoebe ssp. micranthus (Centaurea biebersteinii)	Spotted knapweed	Nuis	B	herbaceous
Centaurea diffusa	Diffuse knapweed	Nuis	B	herbaceous
Chondrilla juncea	Rush skeletonweed	Nuis	B	herbaceous
Daphne laureola	Spurge laurel	**Add**	B	shrub
Egeria densa	S. American waterweed	Nuis	B	aquatic
Fallopia bohemica	Bohemian knotweed	**Add**	B	herbaceous
Hieracium laevigatum	Smooth hawkweed	Nuis	B	herbaceous
Hieracium pilosella	Mouse-ear hawkweed	Nuis	B	herbaceous
Hieracium vulgatum (H.lachanelii)	Common hawkweed	**Add**	B	herbaceous
Iris pseudacorus	Yellow flag	Nuis	B	herbaceous
Juncus effusus v. effusus	European soft rush	Nuis	B	herbaceous
Linaria dalmatica ssp. dalmatica	Dalmation toadflax	Nuis	B	herbaceous
Lunaria annua	Money plant	Nuis	B	herbaceous
Lythrum portula	Spatula leaf purslane	Nuis	B	herbaceous
Lythrum salicaria	Purple loosestrife	Pro	B	herbaceous
Myriophyllum aquaticum	Parrots feather	Nuis	B	aquatic
Polygonum convolvulus	Climbing bindweed	Nuis	B	herbaceous
Polygonum cuspidatum (Fallopia cuspidata)	Japanese knotweed	Nuis	B	herbaceous
Polygonum polystachyum (Persicaria wallachii)	Himalayan knotweed	Nuis	B	herbaceous
Polygonum sachalinense (Fallopia sachalinensis)	Giant knotweed	Nuis	B	herbaceous
Populus alba	White poplar	Nuis	B	tree
Ranunculus ficaria (formerly listed as Chelidonium majus)	Lesser celandine	Nuis	B	herbaceous
Solanum nigrum	Garden nightshade	Nuis	B	herbaceous
Rank C Plants				
Arctium minus	Common burdock	Nuis	C	herbaceous
Arrhenatherum elatius	Tall oatgrass	Nuis	C	herbaceous
Betula pendula ~~laciniata~~	Cutleaf birch	Nuis	C	tree
Bromus tectorum	Cheatgrass	Nuis	C	herbaceous
Callitriche stagnalis	Pond water starwort	Nuis	C	aquatic
Centaurea pratensis (Centaurea debeauxii ssp. thuillieri)	Meadow knapweed	Nuis	C	herbaceous
Cirsium arvense	Canada thistle	Nuis	C	herbaceous
Cirsium vulgare	Common thistle	Nuis	C	herbaceous

Scientific Name	Common Name	Current PPL Designation[1]	Proposed Rank[2]	Plant Type
Clematis vitalba	Traveler's joy	Nuis	C	herbaceous
Conium maculatum	Poison-hemlock	Nuis	C	herbaceous
Convolvulus arvensis	Field morning-glory	Nuis	C	herbaceous
Convolvulus sepium	Lady's-nightcap	Nuis	C	herbaceous
Crataegus monogyna	English hawthorn			
~~*Crataegus sp. except C. suksdorfii*~~	~~hawthorn, except native species~~	Nuis	C	tree
Cytisus scoparius	Scotch broom	Pro	C	herbaceous
Daucus carota	Queen Anne's lace	Nuis	C	herbaceous
Dipsacus fullonum	Common teasel	Nuis	C	herbaceous
Foeniculum vulgare	Fennel	Nuis	C	herbaceous
Geranium lucidum	Shining geranium	Nuis	C	herbaceous
Geranium robertianum	Robert geranium	Nuis	C	herbaceous
Geum urbanum	European avens	Nuis	C	herbaceous
Hedera helix	English ivy	Pro	C	herbaceous
Hedera hibernica	Irish ivy	**Add**	C	herbaceous
Hypericum perforatum	St. John's wort	Nuis	C	herbaceous
Hypochaeris radicata	Spotted cat's ear	Nuis	C	herbaceous
Ilex aquifolium	English holly	Nuis	C	tree/shrub
Impatiens capensis	Spotted touch-me-not	**Add**	C	herbaceous
Lactuca serriola	Prickly lettuce	Nuis	C	herbaceous
Lapsana communis	Nipplewort	Nuis	C	herbaceous
Leucanthemum vulgare	Oxeye daisy	Nuis	C	herbaceous
Ligustrum vulgare	Privet	Nuis	C	shrub
Lotus corniculatus	Bird's foot trefoil	Nuis	C	herbaceous
Melissa officinalis	Lemon balm	Nuis	C	herbaceous
Melilotus alba	Sweetclover	Nuis	C	herbaceous
Mentha pulegium	Penny royal	Nuis	C	herbaceous
Myriophyllum spicatum	Eurasian watermilfoil	Nuis	C	aquatic
Nymphaea odorata	Fragrant water lily	Nuis	C	aquatic
Parentucellia viscosa	Yellow glandweed	Nuis	C	herbaceous
Phalaris arundinacea	Reed canarygrass	Pro	C	herbaceous
Potamogeton crispus	Curly leaf pondweed	Nuis	C	aquatic
Potentilla recta	Sulphur cinquefoil	**Add**	C	herbaceous
Prunus avium ~~*(except cultivars and varieties)*~~	Sweet cherry	Nuis	C	tree
Prunus laurocerasus	English laurel	Nuis	C	tree
Prunus lusitanica	Portugal laurel	**Add**	C	shrub
Ranunculus repens	Creeping buttercup	Nuis	C	herbaceous
Robinia pseudoacacia				
~~*(except cultivars and varieties)*~~	Black locust	Nuis	C	tree
Rosa eglanteria	Sweetbriar rose	Nuis	C	herbaceous
Rosa multiflora	Multiflora rose	Nuis	C	herbaceous
Rubus discolor (armeniacus)	Himalayan (Armenian) blackberry	Pro	C	shrub

Scientific Name	Common Name	Current PPL Designation[1]	Proposed Rank[2]	Plant Type
Rubus laciniatus	Evergreen blackberry	Nuis	C	herbaceous
Senecio jacobaea	Tansy ragwort	Nuis	C	herbaceous
Silene coronaria	Rose campion	**Add**	C	herbaceous
Sisymbrium officinale	Hedge mustard	Nuis	C	herbaceous
Solanum dulcamara	Bittersweet nightshade	Nuis	C	herbaceous
Sonchus arvensis, S. asper, and S. oleraceus	Perennial sowthistle	Nuis	C	herbaceous
Taeniatherum caput-medusa	Medusahead	Nuis	C	herbaceous
Tanacetum vulgare	Common tansy	Nuis	C	herbaceous
Trifolium arvense	Hare's foot clover	Nuis	C	herbaceous
Trifolium pratense	Red clover	**Add**	C	herbaceous
Trifolium repens	White clover	Nuis	C	herbaceous
Trifolium subterraneum	Subterraneum clover	Nuis	C	herbaceous
Verbascum blattaria	Moth mullein	Nuis	C	herbaceous
Verbascum thapsus	Common mullein	Nuis	C	herbaceous
Vicia cracca	Tufted vetch	Nuis	C	herbaceous
Vicia villosa	Hairy vetch	Nuis	C	herbaceous
Vinca major	Periwinkle (large leaf)	Nuis	C	herbaceous
Vinca minor	Periwinkle (small leaf)	Nuis	C	herbaceous
Rank D Plants				
Aegopodium podagraria ~~and variegated varieties~~	Goutweed	Nuis	D	herbaceous
Agrostis alba	Redtop bentgrass	**Add**	D	herbaceous
Agrostis tenuis	Colonial bentgrass	**Add**	D	herbaceous
Agrostis stolonifera	Creeping bentgrass	**Add**	D	herbaceous
Agropyron repens	Quackgrass	Nuis	D	herbaceous
Alopecuris pratensis	Meadow foxtail	Nuis	D	herbaceous
Anthoxanthum odoratum	Sweet vernalgrass	Nuis	D	herbaceous
Bromus diandrus	Ripgut	Nuis	D	herbaceous
Chicorium intybus	Chicory	Nuis	D	herbaceous
Festuca arundinacea	Tall fescue	Nuis	D	herbaceous
Euphorbia lathyrus	Mole plant	Nuis	D	herbaceous
Holcus lanatus	Velvet grass	Nuis	D	herbaceous
Houttuynia cordata	Chameleon plant	Nuis	D	herbaceous
Lactuca (Mycelis) muralis	Wall lettuce	Nuis	D	herbaceous
Linaria vulgaris	Yellow toadflax	Nuis	D	herbaceous
Lolium multiflorum	Annual ryegrass	Nuis	D	herbaceous
Lolium perenne	Perennial ryegrass	**Add**	D	herbaceous
Lotus uliginosus	Greater bird's foot trefoil	**Add**	D	herbaceous
Phleum pratense	Timothy	Nuis	D	herbaceous
Poa annua	Annual bluegrass	Nuis	D	herbaceous

Scientific Name	Common Name	Current PPL Designation[1]	Proposed Rank[2]	Plant Type
Ranunculus acris	Meadow or tall buttercup	Nuis	D	herbaceous
Rorippa nasturtium-aquaticum (Nasturium officinale)	European watercress	Nuis	D	aquatic
Secale cerale	Cultivated rye	Nuis	D	herbaceous
Silene latifolia (Lychnis alba)	White campion	Nuis	D	herbaceous
Sorbus aucuparia ~~(except cultivars and varieties)~~	European mountain ash	Nuis	D	tree
Ulmus pumila	Siberian elm	Nuis	D	tree
Utricularia vulgaris	Common bladderwort	Nuis	D	aquatic
Vicia sativa	Common vetch	Nuis	D	herbaceous
	Rank W Plants			
Ampelopsis brevipedunculata	Porcelainberry	**Add**	W	herbaceous
Arum italicum	Italian arum	**Add**	W	herbaceous
Arundinaria gigantea	Canebreak bamboo	**Add**	W	shrub
Aucuba japonica	Spotted laurel	**Add**	W	shrub
Butomus umbellatus	Flowering rush	**Add**	W	herbaceous
Cardaria draba	White top or hoary cress	Nuis	W	herbaceous
Carduus acanthoides	Plumeless thistle	Nuis	W	herbaceous
Carduus nutans	Musk thistle	Nuis	W	herbaceous
Centaurea calcitrapa	Purple starthistle	**Add**	W	herbaceous
Centaurea iberica	Iberian starthistle	**Add**	W	herbaceous
Centaurea jacea	Brown knapweed	Nuis	W	herbaceous
Centaurea solstitialis	Yellow starthistle	**Add**	W	herbaceous
Cortaderia selloana	Pampas grass	Nuis	W	herbaceous
Crocosmia crocosmiiflora	Montbretia	**Add**	W	herbaceous
Cytisus monspessulanas	French broom	**Add**	W	herbaceous
Cytisus striatus	Portugese broom	**Add**	W	herbaceous
Euphorbia esula	Leafy spurge	**Add**	W	herbaceous
Euphorbia oblongata	Oblong or eggleaf spurge	**Add**	W	herbaceous
Galium odoratum	Sweet woodruff	Nuis	W	herbaceous
Hydrilla verticillata	Hydrilla	Nuis	W	aquatic
Laburnum watereri	Golden chain tree	Nuis	W	tree
Lamium maculatum	White nancy	Nuis	W	herbaceous
Lathyrus latifolius	Perennial peavine	**Add**	W	herbaceous
Lysimachia nummularia	Creeping jenny	Nuis	W	herbaceous
Melilotus officinalis	Yellow sweetclover	Nuis	W	herbaceous
Nymphoides peltata	Yellow floatingheart	**Add**	W	aquatic
Parthenocissus quinquefolia	Virginia creeper	**Add**	W	herbaceous
Paulownia tomentosa	Princess tree	Nuis	W	tree
Petasites japonicus	Sweet coltsfoot	**Add**	W	herbaceous

Scientific Name	Common Name	Current PPL Designation[1]	Proposed Rank[2]	Plant Type
Phyllostachys atrovaginata	Incense bamboo	**Add**	W	herbaceous
Phyllostachys heteroclada	Water bamboo	**Add**	W	herbaceous
Phyllostachys nidularia	Big-node bamboo	**Add**	W	herbaceous
Sasa palmata	Broadleaf bamboo	**Add**	W	herbaceous
Sasa veitchii	Kuma bamboo	**Add**	W	herbaceous
Sorghum halepense	Johnson grass	Nuis	W	herbaceous
Solanum sarrachoides	Hairy nightshade	Nuis	W	herbaceous
Trifolium hybridum	Alsike clover	Nuis	W	herbaceous

Plants to be Removed from the Portland Plant List

Scientific Name	Common Name	Current PPL Designation[1]	Proposed Rank[2]	Plant Type
Bellis perennis	English lawn daisy	Nuis	NA	herbaceous
Bromus hordeaceus	Soft brome	Nuis	NA	herbaceous
Bromus inermis	Smooth brome-grass	Nuis	NA	herbaceous
Bromus japonicus	Japanese brome-grass	Nuis	NA	herbaceous
Bromus sterilis	Poverty grass	Nuis	NA	herbaceous
Borago officinalis	Borage	Nuis	NA	herbaceous
Chelidonium majus	Greater celadine (current)	Nuis	NA	herbaceous
-	formerly listed as Lesser celadine		NA	-
Clematis ligusticifolia	Western clematis	Nuis	NA	herbaceous
Elodea densa (E. canadensis)	Canadian waterweed	Nuis	NA	aquatic
Equisetum arvense	Common horsetail	Nuis	NA	herbaceous
Equisetum telmateia	Giant horsetail	Nuis	NA	herbaceous
Erodium cicutarium	Crane's bill/stork's bill	Nuis	NA	herbaceous
Hieracium floribundum (current name)	Yellow hawkweed (formerly listed under Hieracium cespitosum)	Nuis	NA	herbaceous
Lemna minor	Duckweed or water lentil	Nuis	NA	aquatic
Leontodon autumnalis	Fall dandelion	Nuis	NA	herbaceous
Panicum capillare	Witchgrass	Nuis	NA	herbaceous
Polygonum aviculare	Doorweed	Nuis	NA	herbaceous
Rhus diversiloba	Poison oak	Nuis	NA	shrub
Rumex acetosella	Red sorrel	Nuis	NA	herbaceous
Rumex crispus	Curly dock	Nuis	NA	herbaceous
Taraxacum officinale	Common dandelion	Nuis	NA	herbaceous
Vulpia myuros (Festuca myuros)	Rat-tailed fescue	Nuis	NA	herbaceous
Xanthium spinosum	Spiny cocklebur	Nuis	NA	herbaceous

[1] **Nuis/Pro/Add** = Nuisance/Prohibited/Add = Nuisance and prohibited are the terms of plants on the existing plant lists on the Nuisance Plant List and the Prohibited Plant List in the Portland Plant List (PPL). The two lists have been consolidated and have been renamed as the Nuisance Plants List. Add means this plant would be added to the PPL. Plants to be removed are in the section "Plants to be Removed from the Portland Plant List."

[2] City ranks (classifications) are defined as follows.

A- These species are known to be invasive. These species are known to occur but are not widely distributed in the region. Distribution is limited to a few sites. They spread rapidly and they are difficult to control once they become widespread.

B – These species are known to be invasive. These species are known to occur in the region. They are more abundant and widely distributed than A; however, the distribution is still limited to patches or specific habitats. Distribution is not as widespread as C plants. These species can spread rapidly and are difficult to control once they become widespread.

C – These species are known to be invasive. These species are widely distributed and abundant throughout the region. Their distribution is already very extensive throughout the natural areas and they are difficult to control once they become widespread. These plants are considered ubiquitous.

D- These species are known to be less aggressive than A, B, and C species. These species are known to occur in the region. These plants persist in the ecosystems with native species and therefore, have less impact on the system than the A, B, and C species.

W- Watch species. Species occurrence and distribution should be monitored for presence and/or to determine the level of invasiveness in the region.

Note: Resources for documentation/determination of the ranks includes input from the Oregon Flora Project, the Emerald Chapter of the Native Plant Society of Oregon list, The Nature Conservancy Global Compendium of Weeds, the NatureServe Invasiveness ranking, the noxious weed lists for Oregon, Washington, California, and Idaho, and documented natural area invasions. Metro, the 4 County CWMA, and the Oregon Department of Agriculture, Noxious Weed Control Program also provided comments on the list.

City of Portland Nuisance Plants List, Required Eradication List

1/12/2010

Scientific Name	Common Name	Current PPL Designation[1]	Proposed Rank[2]	ODA Rank
Rank A Plants				
Acroptilon repens	Russian knapweed	Nuis	A	B
Brachypodium sylvaticum	False brome	Nuis	A	B and T
Carduus pycnocephalus and Carduus tenuiflorus	Italian thistle or slender flowered thistle	Nuis	A	B
Cortaderia jubata	Jubata grass	**Add**	A	B
Echium plantagineum	Paterson's curse	**Add**	A	A
Heracleum mantegazzianum	Giant hogweed	Nuis	A	A
Hieracium aurantiacum	Orange hawkweed	Nuis	A	A
Hieracium pratense (H. cespitosum)	Meadow hawkweed (formerly listed as Yellow hawkweed)	Nuis	A	A
Impatiens glandulifera	Policemen's helmet	Nuis	A	B
Onopordum acanthium	Scotch thistle	Nuis	A	B
Phragmites australis (introduced var. only)	Common reed	Nuis	A	A
Pueraria lobata	Kudzu	Nuis	A	A
Silybum marianum	Blessed milk thistle	Nuis	A	B
Tamarix ramosissima	Salt cedar	**Add**	A	B and T
Ulex europaeus	Gorse	Nuis	A	B

[1] **Nuis/Pro/Add** = Nuisance/Prohibited/Add = Nuisance and prohibited are the terms of plants on the existing plant lists on the Nuisance Plant List and the Prohibited Plant List in the Portland Plant List (PPL). The two lists have been consolidated and have been renamed as the Nuisance Plants List. Add means this plant would be added to the PPL. Plants to be removed are in the section "Plants to be Removed from the Portland Plant List."

Ranks = Proposed City of Portland ranks are identified. If the plant is not on the Oregon Department of Agriculture (ODA) noxious weed list then the "ODA Rank" column will be blank. If the plant is on the ODA noxious weed list, the ODA rank is identified.

[2] **City ranks (classifications) are defined as follows.**

A- These species are known to be invasive. These species are known to occur but are not widely distributed in the region. Distribution is limited to a few sites. They spread rapidly and they are difficult to control once they become widespread.

B – These species are known to be invasive. These species are known to occur in the region. They are more abundant and widely distributed than A; however, the distribution is still limited to patches or specific habitats. Distribution is not as widespread as C plants. These species can spread rapidly and are difficult to control once they become widespread.

C – These species are known to be invasive. These species are widely distributed and abundant throughout the region. Their distribution is already very extensive throughout the natural areas and they are difficult to control once they become widespread. These plants are considered ubiquitous.

D- These species are known to be less aggressive than A, B, and C species. These species are known to occur in the region. These plants persist in the ecosystems with native species and therefore, have less impact on the system than the A, B, and C species.

W- Watch species. Species occurrence and distribution should be monitored for presence and/or to determine the level of invasiveness in the region.

Note: Resources for documentation/determination of the ranks includes input from the Oregon Flora Project, the Emerald Chapter of the Native Plant Society of Oregon list, The Nature Conservancy Global Compendium of Weeds, the NatureServe Invasiveness ranking, the noxious weed lists for Oregon, Washington, California, and Idaho, and documented natural area invasions. Metro, the 4 County CWMA, and the Oregon Department of Agriculture, Noxious Weed Control Program also provided comments on the list.

See the administrative rules for the Nuisance Plants Required Removal Program for additional information on the required removal of plants on the Nuisance Plants List, Required Eradication List.

Resources

Web Sites

Backyard Habitat Certification Program at Three Rivers Land Conservancy
http://www.trlc.org/BYHCP/

Backyard Habitat Certification Program at Audubon Society of Portland
http://www.audubonportland.org/backyardwildlife/backyardhabitat

Center for Invasive Plant Management
http://www.weedcenter.org

City of Portland, Bureau of Environmental Services, Invasive Plant Management
http://www.portlandonline.com/bes/index.cfm?c=45696

City of Portland, Bureau of Environmental Services, Naturescaping for Clean Rivers
http://www.portlandonline.com/bes/index.cfm?c=32142

City of Portland, Parks and Recreation, Integrated Pest Management Strategy
http://www.portlandonline.com/parks/index.cfm?c=dicjg

East Multnomah Soil and Water Conservation District
http://emswcd.org/index.php

Four County Cooperative Weed Management Area
http://www.4countycwma.org/

Native Plant Nurseries
www.plantnative.org/nd_or.htm

Oregon Department of Agriculture, Plant Division, Noxious Weed Control
http://www.oregon.gov/ODA/PLANT/WEEDS/lists.shtml

Call 1-866-Invader or go online to www.oregoninvasiveshotline.org to report a suspected invasive species. The reports for the Portland area are sent directly to BES EDRR staff.

Oregon Invasive Species Council
http://www.oregon.gov/OISC/index.shtml

PLANTS database
http://plants.usda.gov

Pringle Creek Watershed Council
Guide for Using Willamette Valley Native Plants Along Your Stream
http://marionswcd.net/downloads/education/native_plantings/native_planting_guide_along_streams.pdf

The Flora of North America
http://www.efloras.org/flora_page.aspx?flora_id=1

The Nature Conservancy
http://www.nature.org/wherewework/northamerica/states/oregon/

The Oregon Flora Project
http://www.oregonflora.org

Washington Flora
http://www.washington.edu/burkemuseum/collections/herbarium/index.php

Western Invasives Network
http://www.westerninvasivesnetwork.org/pages/cwmapage.php?cwma=fourcounty

West Multnomah Soil and Water Conservation District
http://www.westmultconserv.org/

Books

Flora of the Pacific Northwest
Authors: C. Leo Hitchcock and Arthur Cronquist

Landscaping for Wildlife in the Pacific Northwest
Author: Russell Link

Northwest Weeds: The Ugly and Beautiful Villains of Fields, Gardens, and Roadsides
Author: Ronald J.Taylor

Plants of the Pacific Northwest Coast: Washington, Oregon, British Columbia, and Alaska
Authors: Jim Pojar and Andy MacKinnon

Urbanizing Flora of Portland, Oregon, 1806-2008
Authors: J.A. Christy, A. Kimpo, V. Marttala, P.K. Gaddis, and N.L. Christy

Wildflowers of the Pacific Northwest
Authors: Mark Turner and Phyllis Gustafson
www.pnwflowers.com/

APPENDIX A

History

~~In February 1986, the Greenway Plant List was developed in consultation with local ecologists, biologists, and naturalists. Later that year, this list was adapted for the Columbia River Corridor area. Use of native plants from the list first became a requirement within the Willamette River Greenway Zones and was later required within the Environmental Zones when adopted in 1989 for the Columbia Corridor. Soon thereafter, a Technical Advisory Committee (TAC) was established to review and expand the list to cover all of Portland. As part of that review, the TAC identified the need to create categories for native, nuisance and prohibited plants. The expanded "Portland Plant List," covering native and nuisance plants throughout the City, was adopted by the Portland City Council on November 13, 1991.~~

~~Amendments passed on May 26, 1993 and September 21, 1994 further refined and expanded the List, and added prohibited plants. In July, 1995, the list was updated to include name changes from the recent references, as cited in Appendix III of The Jepson Manual.~~

In February 1986, the Greenway Plant List was developed in consultation with local ecologists, biologists, and naturalists. Later that year, this list was adapted for the Columbia River Corridor area. Use of native plants from the Greenway Plant List first became a requirement within the Willamette River Greenway Overlay Zones, though provisions were included to allow non-native plants. When the Environmental Overlay Zones were first adopted in 1989 for the Columbia River Corridor, planting only native plants became a requirement within the Environmental Overlay Zones. The native plants on the Greenway Plant List were primarily focused on the geographic areas within the Willamette River Greenway Zones and the Environmental Overlay Zones. Thereafter, a Technical Advisory Committee (TAC) was established to review and expand the list beyond these geographic areas so the list included plants found throughout the City of Portland.

As part of that review, the TAC identified the need to create categories for native, nuisance, and prohibited plants. The TAC expanded and renamed the list, now called the "Portland Plant List," to include native and nuisance plants found throughout the City. The *Portland Plant List* was adopted by the Portland City Council on November 13, 1991. At the time of adoption, the *Portland Plant List* contained native plants and nuisance plants (nuisance plants were listed as dominating plants and harmful plants); however, no prohibited plants were listed at that time.

The *Portland Plant List* was amended on May 26, 1993 and September 21, 1994. These amendments refined and expanded the *Portland Plant List*, and added prohibited plants. The September 1994 list included five prohibited plants. In July, 1995, the list was updated to include name changes from the reference changes that occurred with the then-updated version of Appendix III of *The Jepson Manual*.

In 1997, the *Portland Plant List* was modified to update the Native Plant Lists and reformat the entire document. The changes were part of the City's efforts to comply with State Land Use Planning Goals 5 Natural Resources and 15 Willamette Greenway, and were included as part of the development of a City of Portland Environmental Handbook. The reformatting created four sections: species lists for native plant communities occurring within the Portland area; species lists of plants historically native to the Portland area with illustrations and information; a list of nuisance plants; and a list of prohibited plants. The changes were adopted by City Council on March 19, 1997.

In 1998, a minor update was made to the *Portland Plant List* when several species were added to the Native Plant Lists and one species was added to the Nuisance Plant List.

In 2004, more extensive changes were made to the *Portland Plant List*. The Regional Interagency Weed Group (IWG), working in conjunction with the Bureau of Planning, proposed to add 113 plants to the Nuisance Plant List. The IWG was composed of representatives the Portland Bureau of Parks and Recreation (Urban Forestry Division, Horticultural Services, and the Natural Resources Program), the Tualatin Hills Parks and Recreation District, The Nature Conservancy, and the Bureau of Environmental Services Watershed Revegetation Program. At the same time, the Bureau of Environmental Services Watershed Revegetation Program proposed an addition of 61 plants to the Native Plant Lists. Because of the nature and extent of the changes, the Planning Bureau requested more comprehensive vetting of the changes and invited comments from the Oregon Association of Nurseries, the Port of Portland, the Multnomah County Drainage District, the Columbia Slough Watershed Council, and the Oregon Department of Agriculture. The IWG also requested input from six independent experts. Following the review, the lists were modified and submitted by the Bureau of Planning to four plant experts for final review; after several changes, the plants were added to the *Portland Plant List* in March 2004.

The installation of nuisance and prohibited plants has been prohibited in the Greenway Overlay Zone since the plant list was established. Planting of plants on the Nuisance Plant List and the Prohibited Plant List has been prohibited in Environmental Overlay Zones since 1989, when that zone was first established. In June 2005, the Pleasant Valley Natural Resources Overlay Zone was added to the Portland Zoning Code. Planting plants on the Nuisance Plant List and the Prohibited Plant List is prohibited in the Pleasant Valley Natural Resources Overlay Zone. In July 2005, provisions in the City's Zoning Code were changed to prohibit the use of plants on the Nuisance Plant List and the Prohibited Plant List in City-required landscaping. Prior to July 2005, in City-required landscaping, only prohibited plants were prohibited. After July 2005, nuisance plants were also prohibited in City-required landscaping.

In 2009, the Bureau of Planning merged with the Office of Sustainable Development, becoming the Bureau of Planning and Sustainability. In 2009, the Nuisance Plant List and the Prohibited Plant List were consolidated into one list called the Nuisance Plants List. Also, the *Portland Plant List* was updated and refined to provide more information about these plants. Ranks were assigned to each plant on the Nuisance Plants List. Text was added to describe the plants and the ranks. Other portions of the *Portland Plant List* text were revised to reflect changes in terminology, and to improve the usefulness of the *Portland Plant List*. Formatting changes were also made. In addition, the *Portland Plant List* was changed from an ordinance to an administrative rule. Re-establishing the *Portland Plant List* as an administrative rule is consistent with technical documents such as the *Erosion Control Manual* and the *Stormwater Management Manual*. Administrative rules provide a streamline process for reviewing and making changes to technical documents such as the *Portland Plant List*.

City of Portland Bureau of
Planning and Sustainability
Sam Adams, Mayor | Susan Anderson, Director

Invasive Plant Policy and Regulatory Improvement Project

Appendix C: Title 29 Property Maintenance Regulations

Section 29.20.010 G. Nuisance Plants. Eradication, as defined in 29.10.020.V, is required of all plants identified on the Nuisance Plants List. The Director shall adopt administrative rules detailing implementation and enforcement of this provision.

Section 29.20.010 G, H, I, and J will be relabeled H, I, J, and K.

Section 29.10.020 V. Eradication. Eradication is the removal of the entire nuisance plant – including the above ground portion of the plant, and the roots, shoots and seeds of the plant. The eradication provisions apply to those plants on the Nuisance Plants List, Required Eradication List.

Section 29.10.020 V – YYY will be relabeled W - ZZZ.

City of Portland Bureau of
Planning and Sustainability
Sam Adams, Mayor | Susan Anderson, Director

Invasive Plant Policy and Regulatory Improvement Project

Appendix D: Administrative Rules

Nuisance Plants Required Removal Program

TABLE OF CONTENTS *Page of Regulatory Text*

These rules are presented in a Commentary and Regulations alternative page format. The intent is to provide informational items on the Explanatory Information page and limit the Regulatory Text page to the legal requirements of the program. Unlike City Code documents, this entire package is adopted as administrative rule. Therefore, regardless of the placement of information in this document, it is legally binding.

Explanatory Information

Applicability

All of the plants on the City's Nuisance Plants List are considered invasive plants. However, some species are more aggressive than others. Several species are just beginning to emerge here and could be prevented if detected early. To help set management priorities, the City is assigning specific priority ranks to the plants on the Nuisance Plants List.

Rank "A" plants on the Nuisance Plants List are designated as such for their ability to spread rapidly and to cause public safety and environmental hazards. Rank "A" plants are specifically targeted for removal because they currently have limited distribution in natural areas and eradication will prevent the spread of these plants. Rank "B" plants are more abundant and widely spread than "A" plants; however, their distribution is currently limited to specific habitats or patches. Common nuisance plants, such as Himalayan blackberry and English ivy, are so abundant and widely distributed they would take a considerable amount of time and money to eradicate; therefore, they are rank "C" plants.

The City has identified a subset of the rank "A" plants on the Nuisance Plants List as plants that are such a concern that they must be eradicated if they are found on a property. In accordance with these administrative rules, property owners, whether private or public, whose property is found to contain plants with rank "A" on the Nuisance Plants List, Required Eradication List, shall receive notice to work with City staff to eradicate such plants from their property. It is possible that multiple eradication efforts may be needed for some plant species.

Rather than immediately involve citizens in an abatement process, the City will direct staff to provide resources and education to property owners to remove the plants. Bureau of Environmental Services (BES) staff will provide the resources and education to property owners. BES is responsible for implementing or ensuring implementation of these administrative rules except where the responsibilities of the Bureau of Development Services (BDS) are identified. Should funding become unavailable for either bureau, then implementation may become limited. An intergovernmental agreement provides funding details related to these administrative rules.

The City will only proceed with abatement on rank "A" species on the City's Nuisance Plants List, Required Eradication List, if the plants are also on the Oregon Department of Agriculture noxious weed list. See the City of Portland Nuisance Plants List, Required Eradication List in Appendix D for the plants with required eradication and, if necessary, abatement. These administrative rules apply to a property within the City of Portland and to a property within the unincorporated areas of Multnomah County that are designated by the intergovernmental agreement between the City of Portland and Multnomah County called the "Intergovernmental Agreement to Provide for the Coordinated Regulation and Management of Invasive Plants Between City of Portland and Multnomah County" which provides details related to funding and other responsibilities.

Explanatory Information

Purpose

Invasive plants are the second largest threat to native biodiversity, behind habitat loss, and they are one of the primary factors that lead to a species listing under the Endangered Species Act (City of Portland Invasive Plants Strategy Report 2008). Invasive plants degrade water quality, reduce biodiversity, impair habitat, decrease tree populations and growth rates, increase the likelihood and spread of fire, decrease the ability of stormwater infiltration and increase soil erosion. Removing invasive species and planting native vegetation is critical for improvement and maintenance of watershed health. Fish, wildlife, and the citizens of Portland benefit from the management of invasive species.

Invasive plant management is a long-standing city-wide effort. In 1991, the City of Portland passed the ordinance to establish the *Portland Plant List.* The *Portland Plant List* included a list of native plants for the Portland metropolitan area. In recognition of the threat of invasive plants, the *Portland Plant List* also included a list of nuisance plants and a list of prohibited plants (invasive plants).

The City's bureaus have programs that conduct invasive plant removal. For example, sections such as the BES Watershed Revegetation, the BES Early Detection and Rapid Response, and the Bureau of Parks & Recreation Protect the Best program conduct invasive plant removal. In addition, the Bureau of Development Services implements the Portland Zoning Code; the Zoning Code contains requirements that prohibit the installation of invasive plants. The Invasive Plant Management Strategy, published in November 2008, further emphasizes the management of invasive plants as a city-wide priority.

The Invasive Plant Management Strategy outlines five management goals for the City:

1. Policy and Code Changes
2. Education and Outreach
3. Coordination
4. Assessment (inventory and control priorities)
5. Invasive Plant Control and Site Restoration.

The Invasive Plant Policy Review and Regulatory Improvement Project focuses on the first management goal: the policy and code changes. Assigning ranks to the plants on the Nuisance Plants List, and establishing provisions in the City codes that require removal of invasive plants and prohibit the planting of invasive plants, will improve early detection and rapid removal of invasive plants.

The priority ranks added to the City's Nuisance Plants List follow a framework similar to that used by the State of Oregon for ranking noxious weeds. The Oregon Department of Agriculture uses "A", "B", and "T" ranks to indicate the distribution and control priority for noxious weeds in Oregon. Under Oregon law, counties can set up weed control districts to manage high priority weed species. Two-thirds of Oregon counties have weed control districts and correspondingly, have noxious weed boards and noxious weed laws. Multnomah, Washington, and Clackamas Counties do not have weed control districts.

Explanatory Information

Cities are allowed to establish noxious weed boards as a special weed control district; however, no cities in Oregon have done so because it is a challenging endeavor. State law requires signatures from over half of the landowners within a district to establish a special weed control district. Noxious weed management laws in Oregon were created primarily for weed management in rural areas and will need to be revised to adequately manage invasive species in more urban settings.

These administrative rules are not related to a weed control district as defined by Oregon law. The administrative rules articulate a City process related to control and management of a specific set of invasive plants; those plants are listed on the Nuisance Plants List, Required Eradication List.

Controlling small populations of invasive plants before they become widespread is the most cost effective way to fight invasive species. The U.S. Congress Office of Technology Assessment reports that a dollar spent on early invasive species actions prevents $17 spent in future control efforts (U.S. Congress, Office of Technology Assessment, 1993, Harmful Non-Indigenous Species in the United States, OTA-F-565 Washington DC).

Regulatory Text

I. Applicability

Property owners, whether private or public, with invasive plants listed as rank "A" on the City of Portland's Nuisance Plants List, Required Eradication List are required to contact BES and arrange for immediate removal of those rank "A" listed species. Eradication efforts can be made by the property owner, City staff or private contractors.

II. Purpose

These administrative rules are one component of the City's Invasive Plant Management Strategy that was adopted in November 2008. There are five invasive plant control priorities described in this Strategy that are used to direct the City's invasive plant management efforts. There is limited funding for tackling this large problem.

These provisions establish procedures, roles, and responsibilities for notification and assistance to property owners in eradicating specific invasive plants as authorized in Title 29. These provisions also establish an abatement process if property owners are unwilling to eradicate rank "A" species identified on the Nuisance Plants List, Required Eradication List.

A. *Protection of the highest quality habitat.* By requiring removal of rank "A" plants on the Nuisance Plants List, Required Eradication List from public and private property, the City hopes to prevent invasive plants from escaping landscaped areas and encroaching upon public and private natural areas.

B. *Early Detection and Rapid Response.* These administrative rules are founded predominantly on this principle; by regulating rank "A" species on the Nuisance Plants List, Required Eradication List, the City can eradicate these plants before they expand to become abundant and widely distributed. The proliferation of the plants makes eradication difficult, and requires an extensive amount of time and money.

C. *Landowner participation and available funds.* The BES Early Detection and Rapid Response team relies on public assistance to help identify rank "A" species, so that the limited City funds can be directed to controlling these plants. The current City program offers to remove rank "A" plants for property owners, based on available funding. Educational information will be provided to the property owners.

D. *Wildfire Risk Reduction.* Many of these invasive plants can create dense understories or kill off native plants, including trees, so that there is the potential for enhanced fire risk. Some plants contain oils or physical structures that are highly flammable.

E. *Protecting Existing Green Infrastructure.* With the City's increased use of vegetated facilities, tree planting, and riparian land acquisition, ensuring that invasive plants stay out of these systems is a priority. With limited City maintenance funds, invasive species must be managed on public and private land to protect our investment in public properties. This benefits all citizens.

F. This program will help the City meet the following objectives:

- Protection and recovery of biological communities including fish listed under protections under the Endangered Species Act,

Regulatory Text

- Expanded and enhanced habitat (aquatic and terrestrial), protect existing sensitive habitats,
- Protection of water quality,
- Protection of public health and safety,
- Greater use of natural processes for managing stormwater – trees in particular,
- Cost savings, and
- Community livability.

Explanatory Information

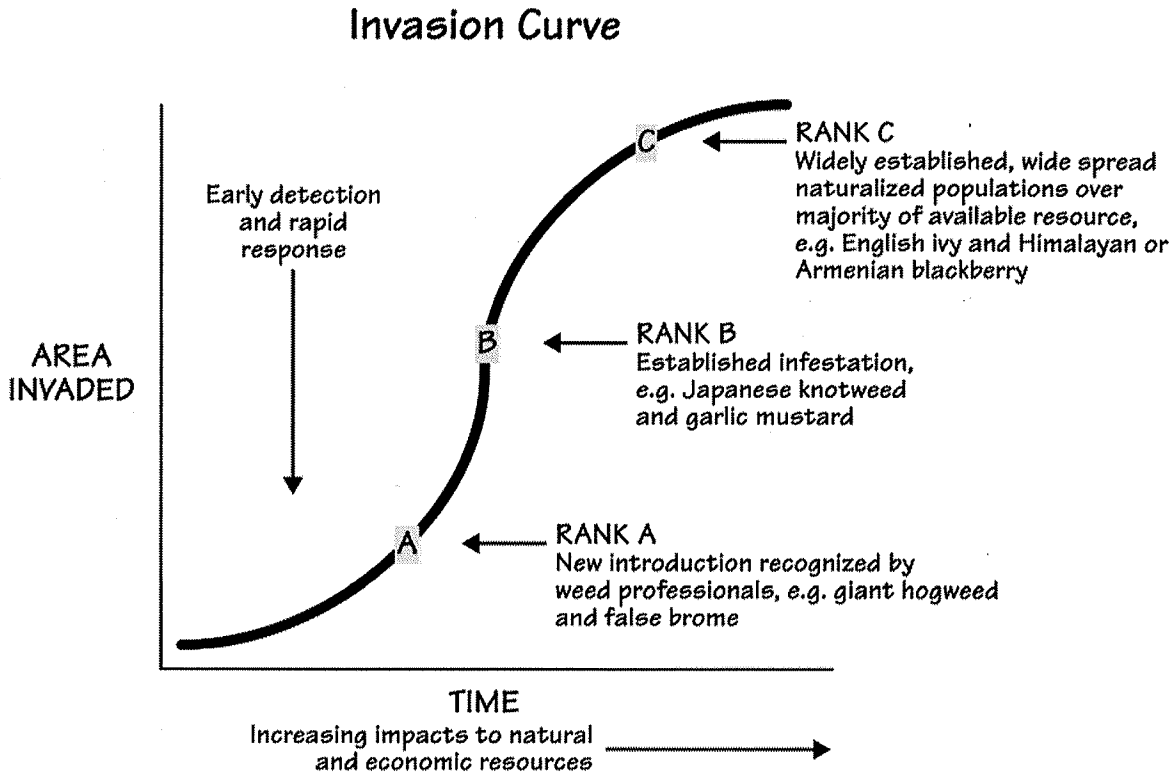
Definitions

The invasive definition is based upon a definition from the Oregon Department of Agriculture, and has been modified by City staff.

The definitions of rank are established to help prioritize which species are most important to detect and eradicate. Definitions are based upon those used by the Oregon Department of Agriculture and by the 4-County Cooperative Weed Management Area (CWMA), with modifications by City staff. The Invasion Curve below provides examples of plants for ranks "A-C".

The Portland metropolitan region, defined here as Clark, Multnomah, Washington, and Clackamas Counties, is used as the unit of evaluation for monitoring invasive presence, coordination, and educational activities. These four adjacent counties are a gateway for invasive species entrance to and exit from more urban habitats to recreation destinations and agricultural lands. In addition, the Port of Portland is a potential pathway for introduction of potentially invasive species from throughout the world.

Removal of the plants is a key action. What constitutes removal of nuisance plants? Different methods of removal will be used; it may take several years of removal actions to completely eradicate the plant. Definitions of nuisance plant removal and of eradication are included below.



Regulatory Text

III. Definitions

Eradication. Eradication is the removal of the entire nuisance plant – including the above ground portion of the plant, and the roots, shoots and seeds of the plant. The eradication provisions apply to those plants on the Nuisance Plants List, Required Eradication List.

Invasive. Species that spread at such a rate that they cause harm to human health, the environment and/or the economy. In natural areas, invasive plants are those species that left unchecked could displace native plants and become the dominant species in that vegetation layer. Invasive plants can halt successional processes by limiting the establishment and the growth patterns of native species

Nuisance Plants List. A portion of the City's *Portland Plant List* that identities undesirable species of plants that are often referred to as invasive species. These species may not be planted within the Environmental Overlay Zone, the Greenway Overlay Zone, and the Pleasant Valley Natural Resources Overlay Zone. These species may not be planted within City-required landscaped and mitigation areas. The Nuisance Plants List identifies the common name and botanical name for each species. The Required Eradication List is part of the Nuisance Plants List.

Plant Priority Ranks. Portland specific priority rankings of plants for removal and monitoring efforts. These ranks are assigned to plants on the Nuisance Plants List:

A – These species are known to be invasive. These species are known to occur but are not widely distributed in the region. Distribution is limited to a few known sites. They spread rapidly and are difficult to control once they become widespread.

B – These species are known to be invasive. These species are known to occur in the region. They are more abundant and widely distributed than "A" ranked plants; however the distribution is still limited to patches or specific habitats. These plants can spread rapidly and are difficult to control once they become widespread.

C – These species known to be invasive. These species are widely distributed and abundant throughout the region. Their distribution is already very extensive throughout natural areas and they are difficult control once they become widespread. These plants are considered ubiquitous.

D –These species are known to be less aggressive than "A", "B", and "C" ranked species. These species are known to occur in the region. These plants persist with native species and therefore have less impact on the system than the "A", "B", and "C" species.

W – Watch species. Species occurrence and distribution should be monitored for presence and/or to determine the level of invasiveness in the region.

Regulatory Text

Region. The region includes the four counties, and the associated cities, of Multnomah, Clackamas, Washington counties in Oregon, and Clark County in Washington. These entities are part of the 4-County Cooperative Weed Management Area (CWMA).

Nuisance Plant Removal. Removal entails actions such as the removal of: roots, the above ground portion of the plant, and the seeds of the plants such that existing non-nuisance and/or newly installed plants are able to grow and survive. The non-nuisance plants are maintained free of nuisance plants. The City's nuisance plants are listed on the Nuisance Plants List.

Explanatory Information

Regulatory Authority

City Code Title 29, Property Maintenance Regulations, has been revised, with changes adopted concurrent with these rules, to grant the City authority to require the removal of the rank "A" species on the Nuisance Plants List, Required Eradication List from any property within the City. This code section was chosen with present and future needs in mind. Title 29 has existing language about weeds and the general upkeep of a property.

Washington's state law is stricter than Oregon law because it stipulates that landowners are required to control for certain species on their property (RCA 17.10.140 Owner's Duty to Control Spread of Noxious Weeds). In addition, cities are automatically included as part of a weed control district when a county in Washington establishes a weed control district. Ideally, a statewide Oregon law that mirrors Washington's law would provide the structure needed to effectively manage invasive species on private land.

The City participates in the 4-County (Clackamas, Clark, Multnomah, and Washington) Cooperative Weed Management Area (CWMA). This is a collaborative weed management group that facilitates partnerships among public and private entities involved in invasive plant management. The CWMA exists to share information, inventory and assess invasive plants, conduct outreach to raise awareness, and sponsor effective and innovative invasive plant removal and restoration projects. City participation in this group has helped foster partnered invasive plant management and outreach projects. Regular meetings help the group formulate consistent invasive plant management priorities throughout the region.

Requirements

City staff is available to assist property owners with identification and eradication of rank "A" plants on the Nuisance Plants List, Required Eradication List. Property owners or tenants may self-identify plants or may receive notice from City staff who have identified rank "A" species. City staff may identify these plants during a land use review site visit, or a permit inspection. Citizens may also report sightings of invasive plants. Land use reviews and permits will be able to continue in their respective processes while the invasive plants are eradicated. Materials have been developed to aid in identification of the plants.

Because of the similarity of rank "A" species with some other more desirable plant species, property owners or tenants are encouraged to contact the City to arrange for a site visit by City staff to formally identify plant species. City site visits shall generally be by appointment during standard working hours. Owners are encouraged to be onsite during the visit to discuss eradication options. If the identification of a rank "A" species on the Nuisance Plants List, Required Eradication List has been made by a reliable source, and entry permission is granted without a separate site visit, City staff may eradicate at the time of the site visit.

Removal of some of the rank "A" plants on the Nuisance Plants List, Required Eradication List can be a difficult, multi-phase process that may require a variety of techniques, including routine mechanical, manual, and chemical application, to fully eradicate the

Explanatory Information

species. City staff responsible for eradication efforts shall follow the Portland Parks & Recreation Integrated Pest Management and BES Revegetation program protocols for plant removal. If chemical application is necessary, BES may hire a contractor or route the chemical application request to one of the following partners: the local Soil and Water Conservation District (SWCD)(East or West Multnomah), Clean Water Services (for sites within the Tualatin River watershed), Johnson Creek Watershed Council, Tryon Creek Watershed Council, and/or Columbia Slough Watershed Council. In addition, if BES has insufficient funding to pay for eradication efforts, both physical and chemical, a referral might be made to one of those partners to see if they can secure funding for eradication.

Due to limitations in Oregon Pesticide Licensing laws (ORS 634), the City cannot use chemical treatment on private property. The City has to hire a contractor or use other means of eradication.

Monitoring shall continue for up to five years to assure full plant eradication. Continued monitoring and maintenance will be part of the agreement between the BES staff and the property owner who is receiving the assistance. Reported sightings of plants, site visits, removal treatment and other site related information shall be retained in City records, most likely in a database, to assist with the City's invasive species management strategy.

Following removal of the rank "A" species on the Nuisance Plants List, Required Eradication List the site should be re-vegetated with non-invasive plants to reduce the likelihood of future re-colonization of invasive species. Some of the areas, such as those within the Environmental Overlay Zone, must be re-vegetated with native plants. See the Zoning Code for information about areas that require the installation of native plants.

Regulatory Text

IV. Regulatory Authority

A. Noxious weed law. Both Oregon and Washington have state noxious weed laws that establish a ranked classification system to identify plants with management priorities. The City of Portland has adopted a priority rank system and related code provisions.

B. City Code Title 29. This portion of City Code requires the removal of rank "A" species of plants on the Nuisance Plants List, Required Eradication List found on any property. These are listed in Appendix D, City of Portland Nuisance Plants List, Required Eradication List. Specific requirements are described below in the "Requirements" section. There are also specific regulations in City's Zoning Code in the following chapters: Landscaping and Screening, Environmental Overlay Zone, Greenway Overlay Zone, and the Pleasant Valley Natural Resources Overlay Zone. These provisions prohibit the planting of species on the Nuisance Plants List. In addition, the *Erosion Control Manual* and the *Stormwater Management Manual* include provisions that limit the use of species on the Nuisance Plants List.

V. Requirements

A. General Requirements. These rules and City Code Title 29 require that any property identified as having a rank "A" species on the Nuisance Plants List, Required Eradication List must remove these plants within the time period on the initial notice. Any property owner identifying these species on their own must notify the City so the site can be added to the monitoring database.

B. Notice. Property owners shall be notified of their duty to comply with these regulations as spelled out in Section VII of these rules and with notices similar to the one shown in Appendix B. Compliance dates shall be provided within the notices.

C. *City Assistance.* The City shall provide a number of actions to assist property owners in permanently eradicating rank "A" species, as identified on the Nuisance Plants List, Required Eradication List from their sites:

1. Plant Identification. The City has developed a number of educational materials to assist owners in identifying rank "A" species. Materials are available at the Development Services Center (1900 SW 4th Avenue, Portland, OR 97201), on the BDS website at www.portlandonline.com/bds/index.cfm?c=34154 and on the BES website at http://www.portlandonline.com/bes/index.cfm?c=45696. City staff is available to provide onsite verification of the presence of rank "A" species. An appointment will be set up for a site visit.

2. Plant Removal. Property owners shall be given the option of removing rank "A" species as identified on the Nuisance Plants List, Required Eradication List on their own, or requesting City staff remove the plants. Property owners will need to make an appointment to have City staff assist them. City assistance will be provided on a first come first served basis and continue as long as the annual budget allows.

Regulatory Text

3. Monitoring / Maintenance. Many of the rank "A" species on the Nuisance Plants List, Required Eradication List are difficult to remove. The plants need continued monitoring and multiple removal efforts to fully eradicate them from a site. Once a site is identified as having rank "A" plants, City staff will add the site to a tracking database. Monitoring shall continue for up to five years to assure full plant eradication. Continued monitoring and maintenance will be part of the agreement between BES and the property owner who is receiving the assistance.

    a. Long Term Maintenance Plan. The City will work with the property owner to develop a long term strategy to keep invasive plants from re-establishing on the property. This long term plan may include re-vegetation of the newly cleared area to provide competition with new invasive seedlings.

D. *Entry Permission Form.* The City will require a signed permission form (Appendix C) to enter onto private property.

Explanatory Information

BES Response Strategy

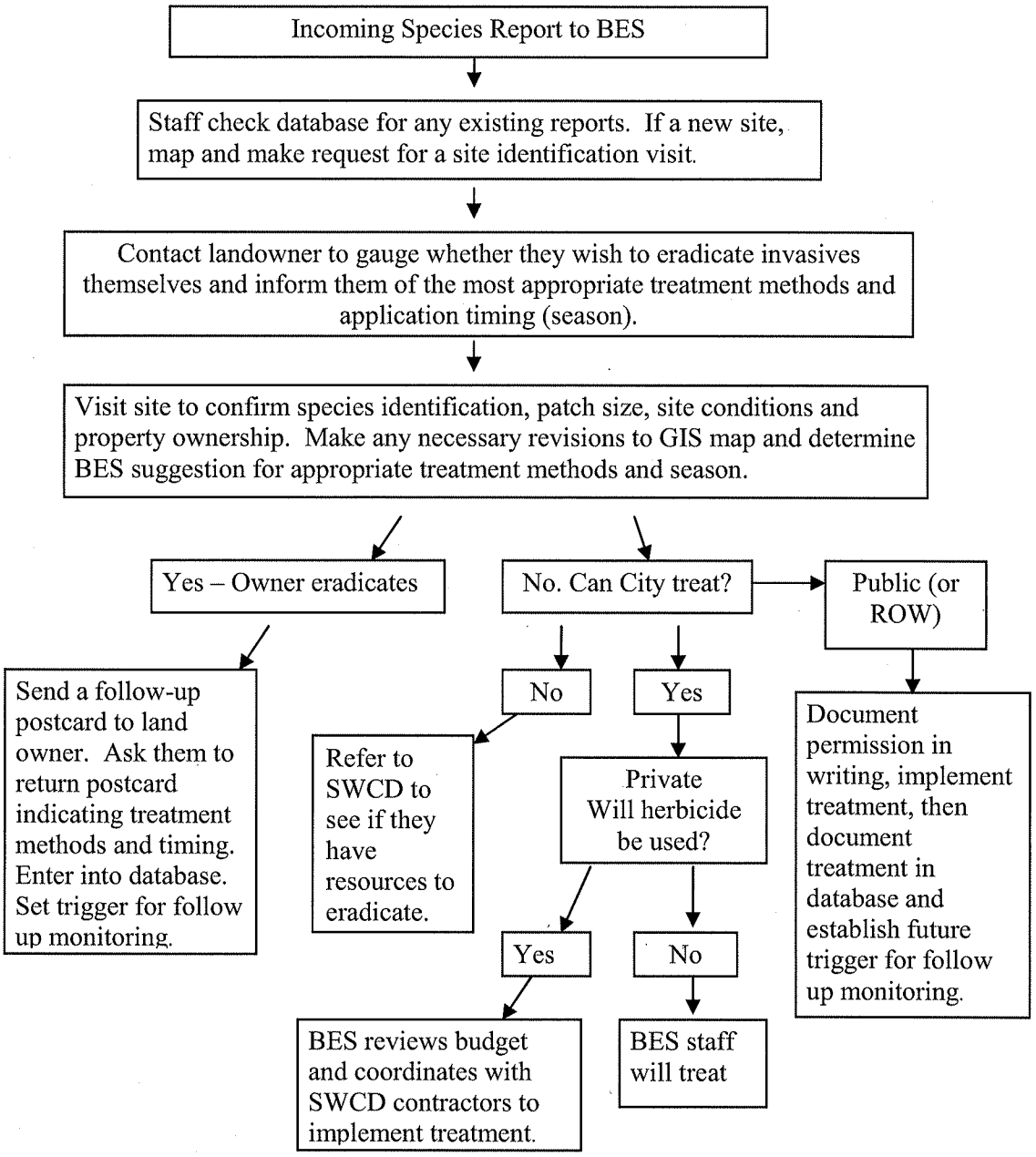
Figure 1 identifies the decision-making steps BES staff will undertake to establish an eradication plan for a property reported to have rank "A" species on the Nuisance Plants List, Required Eradication List.

Regulatory Text

VI. BES Response Strategy

BES shall respond to notifications about or sightings of rank "A" species as laid out in Figure 1 below.

FIGURE 1 – BES Response Flow Chart



Explanatory Information

Public Notices

The City has developed a variety of program materials to assist property owners in self-identifying rank "A" species on the Nuisance Plants List, Required Eradication List and to provide guidance on alternative plants such as native plants and non-native, non-invasive plants. Additional materials will be developed. A sample of the existing materials includes the following:

Garden Smart Oregon
This document is about home gardening and offers both native and non-native, non-invasive plant alternatives to invasive plants.

Plant Profiles on the City's web page
These website-based PDFs provide specific descriptions of: butterfly bush, clematis, English ivy, fennel, garlic mustard, Japanese knotweed, parrot feather, American pokeweed, purple loosestrife, tree of heaven and yellow flag iris. These fact sheets include a species description, as well as information on history, spread, control, and alternative plant species.

State of Oregon Department of Agriculture Online Plant Guides and Hotline
When the state receives a notice on its website of a potential invasive and noxious weed plant species of concern, they will forward that notice to BES staff. This website also contains a variety of educational materials on invasive plant identification and eradication methods. Call 1-866-INVADER to report suspected invasive plant locations. Reports to the 1-800-INVADER and the web site (Oregon invasives hotline) are routed back to BES staff at phone #503-823-2989. The most efficient way to report an invasive plant is to contact BES directly.

Reported Sighting Notice
In most cases, BES staff shall verify all reported sightings of rank "A" species on the Nuisance Plants List, Required Eradication List with a site visit to the property to confirm presence of rank "A"species. Only when the sighting is made by qualified City staff, a member of the 4-County Cooperative Weed Management Area, or other qualified person (e.g. SWCD staff, master gardener) will a confirmation site visit be deemed unnecessary. A site visit shall be made as an appointment with the property owner or tenant who responds to this notice. A sample notice is found in Appendix B.

Regulatory Text

VII. Public Notices

A. Educational Materials. The City, the 4-County Cooperative Weed Management Area (CWMA) and the State of Oregon provide a variety of materials to assist property owners in invasive species plant identification. These materials include:

1. Garden Smart Oregon. It includes descriptions, photos, and native and non-native, non-invasive plant alternatives for invasive plant species. http://www.portlandonline.com/bes/index.cfm?c=47570

2. BES Plant Profile and Eradication Support Materials.
   a. Profiles for more common rank "A", "B" and "C" species in Portland. http://www.portlandonline.com/bes/index.cfm?c=45749
   b. Other education materials in development.

3. Oregon Department of Agriculture, Plant Division, Noxious Weed Control. General guidance information on identifying invasive plant species of concern: http://www.oregon.gov/ODA/PLANT/WEEDS/index.shtml

B. Notification Hotlines.

1. BES hotline. Property owners may contact BES staff at phone #503-823-2989.

2. Oregon Online Hotline. The State of Oregon maintains a phone number at 1-800-INVADER, and an online reporting system for invasive species. This reporting form can be found at: http://oregoninvasiveshotline.org/.

C. Reported Sighting Notice. When a rank "A" species on the Nuisance Plants List, Required Eradication List has been reported to be present on a property within the City of Portland and the area designated by the "Intergovernmental Agreement to Provide for the Coordinated Regulation and Management of Invasive Plants Between City of Portland and Multnomah County," BES staff shall issue written notice to the property owner and offer an onsite visit with the property owner to confirm the presence of the suspect species. The property owner can delegate the site visit attendance to a property tenant if they so desire. See Appendix B for the Reported Sighting Notice form. See Appendix D for the City of Portland's Nuisance Plants List, Required Eradication List.

D. Compliance Notice. This notice shall identify which rank "A" plants are present on the property, note that these plants constitute a public nuisance, and identify the required actions and timelines for eradication efforts to be made on the property. The elements within this notice are negotiated between BES staff and the property owner, usually at the time of the Reported Sighting Notice visit. This notice also includes the means for the owner to appeal the City determination of nuisance or compliance requirements.

E. *Escalating Enforcement Notices.* If there is continued non-compliance with City requirements to eradicate rank "A" species on the Nuisance Plants List, Required

Regulatory Text

Eradication List, the property owner shall receive a variety of enforcement notices as described in Section VIII.

Explanatory Information

TABLE 1: PUBLIC NOTICE SUMMARY

Type of Communication	Purpose	Bureau	Timeframe	Owner Response Due
Reported Sighting Notice	• Informs property owner of a report of a rank "A" plant* sighting on their property. • Requests a time be set for BES staff inspection to confirm presence of rank "A" plants*. • Offers to meet owner onsite at time of inspection.	BES	Sent within 14 days from when BES receives the reported sighting.	Within 30 days of the date of the Reported Sighting Notice.
Compliance Notice	• Conveys City determination that rank "A" plants* constitute a nuisance. • Sets compliance timeline. • Sets required actions to be taken to remediate the nuisance. • Provides information to appeal City determination or compliance requirements.	BES	Sent within 5 working days of site inspection.	As per notice – generally 30 days.
Enforcement Notice	• Sent if City determines eradication efforts required in Compliance Notice have yet to be made for rank "A" plants*. See City of Portland Nuisance Plants List, Required Eradication List. • Informs of days remaining before conformance deadline (30).	BDS (Upon referral from BES)	Sent within 45 days of initial Compliance Notice.	30 days

*Rank "A" plants on the Nuisance Plants List, Required Eradication List.

Explanatory Information

Enforcement

The City's Nuisance Plants Required Removal Program is designed to work with and support property owners in their efforts to remove invasive species. With the technical support and financial support elements, it is hoped that the majority of properties that are required to comply with these rules will comply without escalating enforcement. Due to the need for timely eradication efforts, the City must have an enforcement program established to take actions on property of the property owner is unable or refuses to do so.

Because of their ample experience with code compliance issues on private property, the Bureau of Development Services Neighborhood Inspections Section will be the lead team on resolving continuing compliance issues related to requirements of these rules and City Code Title 29. The enforcement elements described in these rules are modeled after the existing enforcement program in Title 29. These elements shall commence once BES staff have made the referral to BDS staff for non-compliant sites. BES will continue to provide assistance as needed during enforcement and abatement procedures.

Nuisance abatement and/ or penalties may be established. Penalties are an undesirable, but potentially effective, tool toward gaining compliance. The amount of the monthly enforcement fee shall be charged according to the Property Maintenance Regulations Fee Schedule as approved by the City Council. If all violations are not corrected within three months from the date of the initial compliance period, subsequent enforcement fees shall be twice the amount stated in the Property Maintenance Regulations Fee Schedule as approved by the City Council. Nuisances are abated as described in Chapter 29.20.

City Code grants the City regulatory authority to use a warrant to enter property to abate nuisances. It is the owner's obligation to notify tenants on the property. The City and affected property owners shall abide by the Code provisions in Section 29.60.060.

- The City and property owner may negotiate a schedule and group of site actions to gain compliance. The discussion may involve staff from BES and BDS.
- It shall be unlawful for any person to attempt to obstruct, impede, or interfere with any officer, employee, contractor, agent, or authorized representative of the City whenever such officer, employee, contractor, agent, or authorized representative of the City is engaged in the work of nuisance abatement.
- Neither the City nor any of its officers, employees, contractors, agents, or authorized representatives shall be liable for any damage to or loss of the real property of any improvements, emblements, or personal property due to the enforcement against violations of these rules.

If a site requires abatement, BDS staff shall take the lead for obtaining the warrant to the property, while BES will take the lead for acquiring staff or contractors to complete the eradication work. An overhead charge of 40 percent, a recording fee and contractor costs, and charges from the auditor, shall be imposed on top of the labor and materials costs for the abatement activities on site for each violation.

VIII. Enforcement

The City's escalating enforcement process includes a variety of activities based on the authorities granted in Title 29 of the City Code. Failure to meet the eradication requirements of these administrative rules and Title 29 of City Code shall be considered a violation of those regulations. The City may use any or all of the following enforcement tools to gain compliance:

A. *Notice of Violation.* If the property owner fails to respond to the Reported Sighting Notice, a Compliance Notice will be sent. If the property owner fails to take the actions within the mandated timelines on the BES Compliance Notice, and BES refers the situation to BDS, then BDS staff shall submit a formal Enforcement Notice. The Enforcement Notice shall set out the property owner's failure to comply and describe the escalating enforcement steps to achieving onsite abatement. It shall specify a timeline for response to accomplish onsite eradication efforts.

B. Penalties. The City reserves the right to initiate penalties against any property owner failing to comply with required eradication efforts or negotiating in bad faith with City staff. Penalties shall include monthly enforcement fees imposed by BDS staff to cover costs of processing enforcement cases.

C. Abatement. The City has authority, in Chapter 29.60, to enter onto property and abate or otherwise remove the rank "A" plant on the Nuisance Plants List, Required Eradiation List, which is a nuisance condition on a property. City staff will meet with the property owner and discuss specific site, financial, scheduling or general capacity to comply, and any other issues relevant to the site. The City is authorized to recover all costs associated with abating the nuisance on a property. These costs shall be billed to the property owner within 30 days from completion of the abatement. Failure to pay for those costs within the specified time frame may result in a lien on the property in accordance with the provisions of Chapter 29.70.

D. *Fees*. The BDS Property Maintenance Regulations Fee Schedule is available online at http://www.portlandonline.com/bds/index.cfm?c=41869.

Explanatory Information

Appeals

Because rank "A" plants on the Nuisance Plants List, Required Eradication List are considered a public health and safety nuisance, the requirement to eradicate these species is ***not*** appealable. Other aspects of the enforcement process (described in Section VIII Enforcement) may be appealed. The City's Invasive Plant Coordinator and/ or other relevant staff shall participate in the appeal process as needed.

Evidence. Property owners are encouraged to submit photos, maps, drawings or other materials that document the issues raised in the appeal. Property owners shall specify whether they desire to present the appeal by phone, in person, by email, or other written form. While there is no page limit to an appeal submittal, appellants are encouraged to make submittals as concise and relevant as possible. After receipt of the appeal, the City shall commence internal review of the issues raised and prepare a final determination on the topic. Appeals will be reviewed and heard as needed.

Property Owner Appeals. The property owner is given opportunity to negotiate alternative schedule and specific compliance actions required to eradicate rank "A" species on the Nuisance Plants List, Required Eradication List. A property owner may only appeal the notices identified in the "Right to Appeal" section of these administrative rules.

Regulatory Text

IX. **Appeals**

A. Right to Appeal. Property owners are given the right to appeal City compliance determinations to the City Code Hearings Officer. Property owners may ***only*** appeal the following City determinations:

1. BES Compliance Notice. See "VII. Public Outreach or Notices."
2. That eradication has been completed. The property owner must provide proof from a licensed qualified professional that the plants have been completely eradicated from the property. The requirement to remove rank "A" species on the Nuisance Plants List, Required Eradication List is ***not*** appealable.

A fee is charged for an appeal. An appeal is submitted as a written request to the BDS staff contact in the Final Determination Notice; the appeal is to the Hearings Officer as provided for in Chapter 22.10 of the City Code.

B. Appeal Submittal. Appeals shall be submitted to the BDS staff contact in the Neighborhood Inspections Section and must include the following items:

1. The name and contact information of the property or business owner filing the appeal and date of appeal submittal; and
2. The address of the property that is the subject of the appeal; and
3. The specific issue that is being appealed; and
4. Substantive documentation to support an error by BES in determining site compliance with these regulations.

C. Appeals Evaluation and Final City Determination. The City shall rely on the best professional judgment of its trained staff to evaluate compliance with eradication requirements. The City shall send a written Notice of Final Determination to all applicable parties after the decision is made. The notice shall provide a detailed description of the final determination and information about the process for filing an appeal to be heard by the City Code Hearing Officer.

D. Actions with the City Code Hearings Officer. Information about the proper procedure to work with BDS to file an appeal with the Code Hearings Officer shall be sent with the City's Notice of Final Determination to the property owner. If a request for hearing is received by BDS, staff will forward a request to the Code Hearings Officer within 15 days of the date of when the request is received to BDS. The Code Hearings Officer shall schedule and hold a hearing pursuant on the City's application which will include the Final Determination previously sent to the property owner.

Review of the final order of a Code Hearings Officer by any aggrieved party, including the City of Portland, shall be by writ of review to the Circuit Court of Multnomah County, Oregon, as provided in ORS 34.010-34.100.

APPENDICIES

APPENDIX A – Authorizing Ordinance

Proposed text to be added to Title 29 and amendments to existing text:

29.20.010 G. Nuisance Plants. Eradication, as defined in 29.10.020.V, is required of all plants identified on the Nuisance Plants List. The Director shall adopt administrative rules detailing implementation and enforcement of this provision.

29.20.010 G, H., I, and J will be relabeled H, I, J, and K.

29.10.020 V. Eradication. Eradication is the removal of the entire nuisance plant – including the above ground portion of the plant, and the roots, shoots and seeds of the plant. The eradication provisions apply to those plants on the Nuisance Plants List, Required Eradication List.

29.10.020 V. – YYY will be relabeled W-ZZZ.

APPENDICIES

APPENDIX B – Reported Sighting Notice Form

ENVIRONMENTAL SERVICES
CITY OF PORTLAND
working for clean rivers

REPORTING INVASIVE PLANT SIGHTING NOTICE

The City of Portland (the City) has received a report about a possible rank "A" plant on the Nuisance Plants List, Required Eradication List that may be on your property. The report states that ___(common plant name)_____ was seen on _____(portion of property)_____ part of your property. BES staff requests an appointment with you to meet onsite and confirm if ____ (species) _____ is indeed present on your property and discuss the potential methods of eradication. This letter is sent to you on _____ (date).

Title 29 of City Code requires that property owners immediately remove any rank "A" species found on their property. See the rank "A" species as designated on the Nuisance Plants List at _____web site_____. Rank "A" species are invasive plants that are particularly troublesome due to their rapid ability to spread, and in some cases, their public safety concerns. The responsibility to eradicate invasive plants rests not only on the private landowner, but also on the local, state, and federal government. Some invasive plants can be controlled by timely pulling or cutting them, while others require herbicide treatment for one or more seasons. Early intervention can prevent the need for more costly and environmentally damaging control efforts in the future.

The City offers technical and financial assistance programs to help property owners remove rank "A" species. In some cases, City or contract staff may be able to remove species on your property. Prompt eradication is legally required, and is more cost effective.

Please contact me at 503-823-XXXX or by e-mail at XXX@bes.ci.portland.or.us to schedule a time to meet with you on your property. If you would prefer to have City staff verify the presence of the invasive plant species without your presence, we can arrange to make a site visit with proper entry permission from the property owner.

Thank you for your attention,

Name
Title

APPENDICIES

APPENDIX C – Eradication Entry Permission Form

ENVIRONMENTAL SERVICES
CITY OF PORTLAND
working for clean rivers

PERMIT OF ENTRY FOR INVASIVE PLANT CONTROL

The City of Portland (the City) has launched a program to educate landowners about the potential impacts of invasive plants and to implement control efforts. We have enclosed some information about the invasive plants that may be on your property. Please see the Nuisance Plants List for the full list of City-designated invasive plants.

The responsibility to eradicate invasive plants rests not only on the private landowner, but also on the local, state, and federal government. Some invasive plants can be controlled by timely pulling or cutting them, while others require herbicide treatment for one or more seasons. In many cases, early intervention can prevent the need for more costly and environmentally damaging control efforts in the future.

Prior to working on your property, the City must secure your permission to enter. If you agree to allow the City and its contractors to enter upon your property to control invasive plants, please fill in the blanks below with your name, street address, county, signature and today's date.

_____, (Owner) of the real property located at _____ in _____ County, does hereby grant a permit of entry to the City, its employees, agents, contractors and employees and subcontractors of its independent contractors, performing work on the above-described property to treat invasive plants. This permit shall be effective for five years from the date the Owner signs the Permit of Entry. The City is granted this permit of entry without prejudice to any property rights of the Owner.

_____
Signature of Property Owner

_____
Date

Please return to:
City of Portland, BES
Attn: Mitch Bixby
1120 SW 5th Avenue Room 1000
Portland, OR 97204

For questions about invasive plant control within the City of Portland, please contact Mitch Bixby at phone #503-823-2989.

APPENDICIES

APPENDIX D – City of Portland Nuisance Plants List, Required Eradication List

City of Portland Nuisance Plants List, Plants with Required Removal 1/12/2010

Scientific Name	Common Name	Current PPL Designation[1]	Proposed Rank[2]	ODA Rank
A Ranked Plants				
Acroptilon repens	Russian knapweed	Nuis	A	B
Brachypodium sylvaticum	False brome	Nuis	A	B and T
Carduus pycnocephalus and Carduus tenuiflorus	Italian thistle or slender flowered thistle	Nuis	A	B
Cortaderia jubata	Jubata grass	**Add**	A	B
Echium plantagineum	Paterson's curse	**Add**	A	A
Heracleum mantegazzianum	Giant hogweed	Nuis	A	A
Hieracium aurantiacum	Orange hawkweed	Nuis	A	A
Hieracium pratense (H. cespitosum)	Meadow hawkweed (formerly listed as Yellow hawkweed)	Nuis	A	A
Impatiens glandulifera	Policemen's helmet	Nuis	A	B
Onopordum acanthium	Scotch thistle	Nuis	A	B
Phragmites australis (introduced var. only)	Common reed	Nuis	A	A
Pueraria lobata	Kudzu	Nuis	A	A
Silybum marianum	Blessed milk thistle	Nuis	A	B
Tamarix ramosissima	Salt cedar	**Add**	A	B and T
Ulex europaeus	Gorse	Nuis	A	B

[1] **Nuis/Pro/Add** = Nuisance/Prohibited/Add = Nuisance and Prohibited are existing plants in the Portland Plant List. Add means this plant would be added to the PPL. This column will be deleted in the final version of the administrative rules.
Ranks = Proposed City of Portland ranks are identified. If the plant is not on the Oregon Department of Agriculture (ODA) noxious weed list then the "ODA Rank" column will be blank. If the plant is on the ODA noxious weed list, the ODA rank is identified. The "Proposed Rank" column will become "Rank" in the final version of the administrative rules.

[2] **City ranks (classifications) are defined as follows.**

A- These species are known to be invasive. These species are known to occur but are not widely distributed in the region. Distribution is limited to a few sites. They spread rapidly and they are difficult to control once they become widespread.

APPENDICIES

Appendix D – City of Portland Nuisance Plants List, Required Eradication List

B – These species are known to be invasive. These species are known to occur in the region. They are more abundant and widely distributed than A; however, the distribution is still limited to patches or specific habitats. Distribution is not as widespread as C plants. These species can spread rapidly and are difficult to control once they become widespread.

C – These species are known to be invasive. These species are widely distributed and abundant throughout the region. Their distribution is already very extensive throughout the natural areas and they are difficult to control once they become widespread. These plants are considered ubiquitous.

D- These species are known to be less aggressive than A, B, and C species. These species are known to occur in the region. These plants persist in the ecosystems with native species and therefore, have less impact on the system than the A, B, and C species.

W- Watch species. Species occurrence and distribution should be monitored for presence and/or to determine the level of invasiveness in the region.

Note: Resources for documentation/determination of level of invasiveness – 4 County CWMA list, Emerald Chapter NPSO list, TNC Global Compendium of Weeds, NatureServe Invasiveness ranking, noxious weed lists for Oregon, Washington, California, and Idaho, and documented natural area invasions. City of Portland staff discussion, with input from Metro, provided much of the information. City of Portland staff also had many conversations with the Oregon Department of Agriculture, Noxious Weed Control Program.

APPENDICIES

APPENDIX F – City of Portland Nuisance Abatement Flow Chart

Title 29 Nuisance Abatement Flow Chart

- Upon referral to the Bureau of Development Services (BDS) by citizen report or from City staff.

Complaint – BDS receives a complaint or referral regarding a particular property. Sometimes inspectors self initiate.

↓

Inspection & Posting – Within a week after the complaint is received, an inspector visits the property. If any nuisance violations are found, the inspector posts a nuisance notice on the property in a conspicuous place. The notice lists the problems found by the inspector, that need to be addressed.

↓

Notice to Remove Nuisance – A day or two after the property is posted, a Notice to Remove Nuisance is mailed to the property owner (and occupant if the property is not owner-occupied). The notice lists the problems and gives the property owner 15 days to get them corrected.

↓

Re-check – After 15 days, the inspector checks the property to see if the problems have been corrected. If the problems remain, the inspector takes photographs at this time and issues a Notice of Work Order.

↓

Notice of Work Order - This notice is mailed to the property owner (and occupant if necessary) within a few days of the re-check. This notice states that because the problems have not been corrected, a work order inspection will be performed in a week. A work order fee will be assessed and the work order process will continue.

↓

Final Inspection - All properties are inspected one last time by the Code Specialist prior to issuance of a work order. Usually this check occurs a week after the Notice of Work Order is mailed.

↓

Final Notice – Final notice mailed stating that the property is still in non-compliance, that enforcement will continue with the work order abatement process and that a work order inspection fee of $300 has been incurred to the property owner.

See next page.

Flow chart 8/20/09 by Tricia Sears

APPENDICIES

APPENDIX F – City of Portland Nuisance Abatement Flow Chart

Title 29 Nuisance Abatement Flow Chart

Continued from previous page.

Search Warrant – If a property is occupied or vacant, a search warrant will be written, signed by a judge, and served by the Code Specialist at the time of abatement. Warrants are not usually necessary on public property or on vacant lots unless there is a "no trespass" sign visible and/or a locked gate and fence.

↓

Work Order Issued – A work order is issued to a City contractor.

↓

Work Done – The required work is done by the contractor under the supervision of the Code Specialist.

↓

Return of Search Warrant – Written and returned to the court listing the items removed and abated, and their estimated quantities.

↓

Work Order Returned - The contractor returns all photographs and paperwork to BDS within 10 working days from the date the work order was issued.

↓

Post Work Inspection – The Code Specialist inspects the properties to ensure the work was done properly and completely by the contractor, if needed.

↓

Payment & Billing – After inspecting, the Code Specialist Inspector computes and authorizes payment to the contractor. A Notice of Charges is mailed to the property owner. The property owner is billed for the nuisance abatement and the work order inspection fee, a civil penalty, an overhead charge of 40%, and a recording fee. A lien is placed on the property if the bill is not paid within 15 days of the Notice of Charges. Note that the Auditor adds on 10% to the bill if the lien is assessed.

Note – The City can grant extensions of time up to two weeks at any time throughout the process until a search warrant is received or a work order is issued, if progress is being made, or a request is made pursuant to ADA.

Flow chart 8/20/09 by Tricia Sears

183534

City of Portland Bureau of
Planning and Sustainability
Sam Adams, Mayor | Susan Anderson, Director

Invasive Plant Policy Review and Regulatory Improvement Project

Appendix E: Financial Impact Statement For Council Action Items

City of Portland, Oregon

FINANCIAL IMPACT STATEMENT
For Council Action Items

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator	2. Telephone No.	3. Bureau/Office/Dept
Tricia R. Sears	503-823-1174	Bureau of Planning and Sustainability

4a. To be filed (date)	4b. Calendar (Check One) Regular ☐ Consent ☐ 4/5ths ☐	5. Date Submitted to FPD Budget Analyst:

1) Legislation Title:
Invasive Plant Policy Review and Regulatory Improvement Project. Proposed legislative changes include updating the *Portland Plant List* and re-establishing the *Portland Plant List* (*PPL*) as an administrative rule, amending the Portland Zoning Code (Title 33), and amending the Property Maintenance Regulations (Title 29).

2) Purpose of the Proposed Legislation:
The purpose of the legislation is to enhance City efforts to control invasive plants and to help implement the Invasive Species Management Strategy (adopted by Resolution No. 36726 on August 26, 2009).

- **Updating the *Portland Plant List***

Updates to the *Portland Plant List* include consolidating the Nuisance Plant List and the Prohibited Plant List into a single Nuisance Plants list, adding (43) and removing (23) plant species from the Nuisance Plants List, assigning priority ranks to each species on the Nuisance Plants List, providing additional context, guidance and information regarding invasive plants; and establishing definitions. These changes are intended to update and improve the usefulness of the *Portland Plant List* and assist the City, community organizations, and citizens in prioritizing invasive plant management approaches.

Re-establishing the *Portland Plant List* (*PPL*) as an administrative rule will set up the *PPL* in a similar fashion as other technical manuals such as the *Stormwater Management Manual* and the *Erosion Control Manual.* These documents provide technical information that should be updated promptly as more current information becomes available. The intent is to ensure that the *PPL* can be updated more quickly as an administrative rule review process is a more nimble process than a legislative process.

- **Amending Title 33 Portland Zoning Code**

Proposed amendments to the Zoning Code will clarify existing provisions related to removal of plants identified on the Nuisance Plants List in conjunction with landscaping and mitigation that is required by the City with proposed

development projects. In addition, the proposed amendments would require nuisance plant removal and replanting to compensate for disturbance in the Environmental Overlay Zone and the Pleasant Valley Natural Resources Overlay Zone.

- **Amending Title 29 Property Maintenance Regulations and Creation of Associated Administrative Rules**

Proposed amendments to Title 29 Property Maintenance Regulations will require eradication of 15 species identified as the Required Eradication List (a subset of the Nuisance Plants List) when they are discovered and reported to the City. The purpose of the regulation is to prevent new invasive plants from becoming widespread, and to bolster the efforts of the Bureau of Environmental Services (BES) Early Detection and Rapid Response (EDRR) program by providing a "regulatory backstop." If eradication of the plant(s) cannot be achieved through voluntary means, then the Bureau of Development Services (BDS) would initiate an abatement process.

The plant species required to be eradicated pursuant to this regulation will be specified by administrative rule. The administrative rules also describe the implementation steps and responsibilities for BES and BDS. Agreements between BES and BDS will be made in regards to reimbursement for abatement services.

3) Revenue:
Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If new revenue is generated please identify the source.

This project will not generate or reduce current or future revenue coming to the City.

4) Expense:
What are the costs to the City as a result of this legislation? What is the source of funding for the expense? *(Please include costs in the current fiscal year as well as costs in future years) (If the action is related to a grant or contract please include the local contribution or match required)*

- **Updating the *Portland Plant List***

The update to the *PPL* involves negligible cost to the City. Tasks include: reformatting the *PPL* and updating the City's web page using existing staff, printing the revised *PPL* document and producing CDs. Future updates to the *PPL* will be less costly in terms of staff time, public notices, and document production since the *PPL* will be updated as an administrative rule instead of through a legislative process.

- **Amending Title 33 Portland Zoning Code**

Zoning Code clarifications are not expected to significantly increase the time or costs associated with existing landscape and mitigation inspections, because the number of such inspections will not be affected by this project. Existing inspections are required to complete Environmental Reviews and Environmental Plan Checks. Any plant inspections necessary to ensure compliance with the new standard, which requires removal of nuisance species and subsequent re-planting, will occur simultaneously with existing landscape and mitigation inspections.

The duration of inspections required for Environmental Review is not expected to increase because the mitigation and re-planting areas will usually cover the same area. The duration of such inspections required for Environmental Plan Checks would increase by a small amount, perhaps 0.5 to 1.0 hour per plan check. At this rate, assuming, conservatively, that 25 Environmental Plan Checks are submitted per year, the cost would increase by approximately $327 to $655 per year. This cost is based on the range of pay scales proposed for a landscape and mitigation inspector position that is currently included in the BES 5-year Grey-to-Green workplan. See the description below.

If the landscape and mitigation inspector position is not funded, then potentially some of the proposed Zoning Code amendments, in particular, the new development standard proposed for the Environmental Overlay Zone and the Pleasant Valley Natural Resources Overlay Zone, should be delayed until the capacity for inspections is established.

Staff training and coordination time, preparation of educational materials for staff and the public, and updates to internal procedures are tasks to be carried out by existing staff.

- **Amending Title 29 Property Maintenance Regulations and Creation of Associated Administrative Rules**

Proposed amendments to Title 29 are expected to generate minor cost increases to BES. When plants on the Required Eradication List are discovered and reported, the BES EDRR program will assist property owners to ensure the plants are eradicated through voluntary means. It is anticipated that abatement services will be required rarely since the subject plants are not widespread, and staff expects voluntary approaches to be generally effective in achieving eradication. This is consistent with the experience of jurisdictions such as King County, WA, and Clark County, WA, in implementing similar programs. Abatement cases have been rare in these two jurisdictions. Based on their experiences, only one, or at most two abatement cases are expected per year in Portland. If abatement services are required to enforce Title 29, the Bureau of Development Services will use its existing provisions. An agreement between BES and BDS will be established so that costs related to abatement services are covered by BES. BDS has identified a cost of approximately $1600 per abatement case.

Staffing Requirements:

5) Will any positions be created, eliminated or re-classified in the current year as a result of this legislation? *(If new positions are created please include whether they will be part-time, full-time, limited term or permanent positions. If the position is limited term please indicate the end of the term.)*

No positions are proposed to be created, eliminated or re-classified in the current year as a result of this legislation.

6) Will positions be created or eliminated in *future years* as a result of this legislation?

While the legislation does not create or eliminate a position, the Bureau of Environmental Services Grey to Green five-year proposed budget has included funding for 1 FTE in the Bureau of Planning and Sustainability (BPS) for FY 2008-2009 and FY 2009-2010 to develop this code and policy package. Starting in FY 2010-2011, the BES Grey to Green five-year proposed budget includes a 0.6 FTE for a staff person to perform tasks related to invasive species management. This position will provide a trained staff person dedicated to landscape and mitigation inspections. Currently, landscape and mitigation inspections are carried out by building inspectors who typically lack plant identification skills and experience in interpreting landscape plans. This 0.6 FTE position will inspect mitigation sites to ensure compliance with permit requirements to improve program effectiveness and to ensure compliance with the relevant existing and proposed provisions of Titles 29 and 33.

Complete the following section only if an amendment to the budget is proposed.

7) Change in Appropriations *(If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Center Code column if new center needs to be created. Use additional space if needed.)*

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Amount

This project does not amend the budget.

APPROPRIATION UNIT HEAD (Typed name and signature)

City of Portland Bureau of
Planning and Sustainability
Sam Adams, Mayor | Susan Anderson, Director

Invasive Plant Policy and Regulatory Improvement Project

Appendix F

INTERGOVERNMENTAL AGREEMENT TO PROVIDE FOR THE COORDINATED REGULATION AND MANAGEMENT OF INVASIVE PLANTS

BETWEEN

CITY OF PORTLAND AND MULTNOMAH COUNTY

This is an Intergovernmental Agreement to provide for the coordinated regulation and management of invasive plants (Agreement) between MULTNOMAH COUNTY (County), a home rule county and a political subdivision of the State of Oregon, and the CITY OF PORTLAND (City), a home rule city and political subdivision of the State of Oregon.

RECITALS:

A. The City and County are authorized under the provisions of ORS 190.003 to 190.030 to enter into intergovernmental agreements for the performance of any or all functions that a party to the agreement has authority to perform. This Agreement is made pursuant to the authority granted by ORS Chapter 190.

B. The State of Oregon (State), City and County have long recognized invasive plants as a problem. The proliferation of invasive plants can have environmental and economic impacts, including reducing tree health and longevity, creating fuel sources for wildfires, and outcompeting and displacing native plants that provide food and cover for native wildlife. Certain invasive plants are identified as noxious weeds by the State of Oregon. There are regulations related to noxious weeds; not every invasive plant is designated as a noxious weed.

C. The State Department of Agriculture has established priority ranks for noxious weeds, as has the 4-County Cooperative Weed Management Area for Multnomah, Washington, Clackamas, and Clark Counties under authority granted by state law.

D. Multnomah County has adopted and uses nuisance abatement procedures to regulate nuisance plants, such as tansy ragwort and scotch broom. The County has also adopted zoning regulations that prohibit the planting of specific nuisance plants in certain zones, such as

the Significant Environmental Concern zone. The County identifies certain invasive plants as nuisance plants and has regulations specific to these nuisance plants.

E. In 1991, the City published the *Portland Plant List*, which contains three lists: a Native Plants List, a Nuisance Plant List and a Prohibited Plant List. Plants on the Nuisance Plant List and the Prohibited Plant List are not allowed to be planted in the City's Environmental Overlay Zones, Greenway Overlay Zones, and Pleasant Valley Natural Resources Overlay Zones. In addition, plants on the Prohibited Plant List and the Nuisance Plant List are not allowed to be planted in required landscaping anywhere within the City. The terms nuisance and prohibited are specific to the City of Portland; the terms refer to certain invasive plants that are regulated by the City of Portland.

F. In 2005, the City adopted the *Portland Watershed Management Plan* (PWMP) to provide a comprehensive approach to restoring watershed health and identified the detrimental impacts of invasive plants. The City also adopted Resolution No. 36360 in 2005, which required the City to develop a work plan and goals to reduce invasive plants and to support invasive plant management efforts within City bureaus.

G. In response to Resolution No. 36360, the City's Bureau of Environmental Services led a multi-bureau effort that culminated in publication in November, 2008 of the Invasive Plant Management Strategy (Strategy). Among the actions the Strategy calls for is the incorporation of new invasive plant regulations into existing City Codes.

H. In August, 2009, the City adopted Resolution No. 36726, which adopted the Strategy to guide work within all City bureaus related to invasive plants from the present to 2020. To implement the Strategy, the City's Bureau of Planning and Sustainability (BPS) led an evaluation of City policies and rules relating to invasive plants entitled the *Invasive Plant Policy and Regulatory Improvement Project (Invasive Plant Project)* and developed recommendations for code updates and improvements. The final report for the *Invasive Plant Project* recommends, among other things, updating the *Portland Plant List* to include priority ranks and guidance regarding invasive plants, and to amend City Code Titles 33 (Planning and Zoning) and 29 (Property Maintenance Regulations) to improve invasive plant control and require removal of plants on the Nuisance Plant List in certain areas throughout the City. As part of the *Invasive Plant Project*, the Nuisance Plant List and the Prohibited Plant List were consolidated and renamed the Nuisance Plants List. The City of Portland uses the term nuisance plants to refer to invasive plants that are regulated by the City.

I. The City and County previously entered into an intergovernmental agreement that transferred responsibilities from the County to the City for implementing and administering comprehensive plan and zoning regulations, including Title 33 of the City Code, for all property within the County that is also within the City's Urban Services Boundary. These areas are often referred to as the "urban pockets." See the "Intergovernmental Agreement to Transfer Land Use Planning Responsibilities Between City of Portland and Multnomah County," with the effective date in January, 2002. The amendments to Title 33 recommended by the *Invasive Plant Project* will be governed by the terms of that intergovernmental agreement, which is currently effective.

J. The City and County desire to enter into a separate intergovernmental agreement to make Chapters 29.10 through 29.30 of the City Code, including the amendments to Title 29 recommended by the *Invasive Plant Project*, applicable within the urban pockets. These amendments require eradication of certain plants – those plants on the Nuisance Plants List, Required Eradication List - if they are found on a property. For purposes of this Agreement, the plants regulated by Chapters 29.10 through 29.30 of the City Code are referred to as "nuisance plants." Uniform application of Chapters 29.10-29.30 of the City Code within the City and the urban pockets, also known as the Affected Area described below, will result in a more coordinated and effective approach to the removal and eradication of nuisance plants.

NOW, THEREFORE, THE CITY AND COUNTY MUTUALLY AGREE AS FOLLOWS:

I. INTENT OF AGREEMENT

A. This Agreement provides for the coordinated regulation and management of nuisance plants by the City and County in the area specified in paragraph I.B below. Specifically, this Agreement provides for the County's adoption of Chapters 29.10 through 29.30 of the City Code and the transfer of responsibilities for implementing these chapters from the County to the City for properties within unincorporated Multnomah County that are within the City's Urban Services Boundary, the METRO Urban Services Area and Urban Growth Boundary;

B. The area that is subject to this Agreement is defined as depicted in Exhibit 1, attached to this Agreement (the Affected Area). The Affected Area, in general, includes all of the properties within unincorporated Multnomah County that are also within Portland's Urban Services Boundary, with two exceptions. The first, West Hayden Island (map attached as Exhibit 2), is already covered by an intergovernmental agreement and will retain County zoning. It is not subject to this Agreement. The second, a site known as Fred's Marina (attached as Exhibit 3), will remain under County land use jurisdiction and is not subject to this Agreement for all matters related to the settlement agreement entered into on February 6, 2001 in the United States District Court, and confirmed in writing on February 27, 2001.

C. All costs to implement and enforce city Code Chapters 29.10 - 29.30 within the Affected Area pursuant to this Agreement shall be the responsibility of the City.

D. All actions specified by this Agreement shall be taken to assure that the County's regulation of nuisance plants remains consistent with the City's. The County has adopted Chapters 29.10 – 29.30 of the City Code as the County's for the Affected Area and intends to adopt future amendments to these chapters. The City intends to administer these chapters for

County properties in the Affected Area in the same manner as it does for City properties within the City's boundaries.

E. If any property in the Affected Area annexes to the City or is removed from the City's Urban Services Boundary, it will no longer be subject to this Agreement.

II. DELEGATION OF AUTHORITY

The County agrees to adopt Chapters 29.10 - 29.30 of the City Code for the county Affected Area and to delegate to the City any and all authority that it possesses and that is needed by the City to carry out the regulation and enforcement of City Code Chapters 29.10 – 29.30 for the Affected Area. The effective date and terms of the delegation of authority are as provided for in this Agreement. Among the actions that the County authorizes the City to take in the Affected Area are those enumerated in Section II.C below, which are hereby incorporated into this Delegation of Authority by reference. This delegation of authority should be construed broadly.

A. Fees and Costs

The parties intend that all costs and expenses incurred by City in performing tasks described in Section II.C of this Agreement shall be paid or reimbursed by the City. For purposes of this Agreement, "costs and expenses incurred by the City" include without limitation employee salaries, fringe benefits and City overhead attributed to such employees, expenses incurred for publication and mailing related to implementation, enforcement and nuisance abatement, provided such costs, expenses and fees are attributed to enforcement and/or nuisance abatement actions the City processes under this Agreement.

B. COUNTY RESPONSIBILITIES

The County agrees to perform the following activities for the Affected Area as part of this Agreement:

1. General Responsibilities

a. The County will adopt City regulations for the Affected Area.

b. The County will review and propose for adoption by the County Board of Commissioners any necessary amendments to Chapters 15.225 through 15.236 of the County Code to ensure continued implementation and enforcement of these code provisions is coordinated with implementation and enforcement of Chapters 29.10 – 29.30 of the City Code in the Affected Area.

The County will notify the City of the proposed amendments at least 45 days before the County Board is scheduled to consider and adopt them and will give the City an opportunity to comment on the proposed amendments before adoption.

c. The County, with assistance from the City, will provide appropriate training to County Vector Control staff and County Counsel to ensure County staff understands the provisions of Chapters 29.10 – 29.30 of the City Code, informs citizens in the Affected Area about the substance and applicability of these City Code chapters, and is prepared to answer questions and refer complaints from the public about nuisance plants in the Affected Area to appropriate City staff. This provision in no way conveys a responsibility of implementing Chapter 29.10 - 29.30 provisions to Multnomah County staff.

2. Amendments to City and County Regulations

a. The County will ensure that any City Council adopted amendments to Chapters 29.10 – 29.30 of the City Code will be considered by the County Board of Commissioners at the earliest possible meeting. The County Board of Commissioners will enact all amendments to Chapters 29.10 – 29.30 so that they take effect on the same date specified by the City's enacting ordinance, except as provided in b. below.

b. In the event the City Council adopts amendments to Chapters 29.10 – 29.30 by emergency ordinance to be effective immediately, the County Board of Commissioners will consider the amendments at their next regularly scheduled meeting. The County Board of Commissioners will also consider adoption of the amendments as an emergency ordinance with an immediate effective date. Any and all immediately effective amendments adopted by the City Council by emergency ordinance will not apply to properties within the Affected Areas until the County Board of Commissioners adopts the same immediately effective amendments by emergency ordinance.

c. In the event the County Board of Commissioners chooses not to adopt amendments to Chapters 29.10 – 29.30 of the City Code as adopted by the City Council, the City may terminate this Agreement as provided in Section IV.

C. CITY RESPONSIBILITIES

The City is authorized by the County and agrees to perform the following activities in the Affected Area as part of this Agreement:

1. General Responsibilities

   a. The City will assist in training County Vector Control staff about the substantive requirements of City Code Chapters 29.10-29.30, respond to questions about and complaints under these City Code chapters, and provide enforcement of Chapters 29.10 – 29.30 in the Affected Areas.

   b. The City will adopt administrative rules that implement City Code Chapters 29.10 – 29.30 for use within the City and the Affected Area.

2. Enforcement and Nuisance Abatement

   a. The City will enforce the provisions of City Code Chapters 29.10 – 29.30 within the Affected Area using the nuisance abatement procedures specified in those code chapters and in the administrative rules described in paragraph II.C.1.b above.

3. Amendments to City and County Regulations

   a. The City will provide appropriate opportunity for residents and property owners in the Affected Area to provide input to any legislative public process that may result in changes to Chapters 29.10 – 29.30 of the City Code adopted by the County. It is to be understood that the public process for the Affected Area is one and the same as the process held in the City.

   b. The City will include County decision-making bodies in any legislative public process that may result in changes to Chapters 29.10 – 29.30. County decision-makers and staff will be encouraged to participate in the City's public process.

   c. After the City Council has taken final action on any ordinance amending Chapters 29.10 – 29.30, the City will forward the ordinance to the County Board of Commissioners for adoption.

III. OPERATING PROCEDURES AND RELATIONSHIPS

A. Dispute Resolution

In the case of a dispute under this Agreement, the County through its Director of Vector Control, Director of Land Use Planning and County Counsel and the City through its Director of the Bureau of Environmental Services, Director of the Bureau of Development Services and City Attorney shall attempt to resolve the dispute informally. If the dispute cannot be resolved through this process, the parties shall submit their dispute to intergovernmental

arbitration pursuant to ORS 190.710 through 190.800. Each of the parties shall bear its own expense of attorney fees and arbitration.

B. Amendment

This Agreement may be amended by mutual written agreement of the parties. An amendment will be valid only when reduced to writing, approved as required and signed.

IV. TERM OF AGREEMENT AND TERMINATION

A. General Term

This Agreement shall be effective on July 1, 2010 and shall remain in effect until terminated by mutual written agreement of both parties, or as determined by dispute resolution.

B. Termination by City

This Agreement may be terminated by the City if the County fails to adopt Chapters 29.10 – 29.30 or amendments to these chapters adopted by the City Council in a timely manner as provided in Section II.B above. The City shall notify the County in writing 90 days before such termination.

C. Non-appropriation

In the event of non-appropriation of funds or staff resources by the City or County, either party may terminate or reduce the scope of services to be provided and contract funding accordingly, but such party must provide notification of termination or reduction in scope of services to the other party as soon as practicable.

V. INDEMNIFICATION

A. General Provisions

Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, County shall indemnify, defend and hold harmless City from and against all liability, loss and costs arising out of or resulting from acts of County, its officers, employees and agents in the performance of this Agreement. Subject to the conditions and limitations of the Oregon Constitution and the monetary limits of the Oregon Tort Claims Act, ORS 30.260 through 30.300, City shall indemnify, defend and hold harmless County from and against all liability, loss and costs arising out of or resulting from the acts of City, its officers, employees and agents in the performance of this Agreement.

VI. INSURANCE

County and City shall each be responsible for providing worker's compensation insurance as required by law. Neither party shall be required to provide or show proof of any other insurance coverage.

VII. ADHERENCE TO LAW

Each party shall comply with all federal, state and local laws and ordinances applicable to this Agreement.

VIII. NONDISCRIMINATION

Each party shall comply with all requirements of federal and state civil rights and rehabilitation statutes and local nondiscrimination ordinances.

IX. ACCESS TO RECORDS

Each party shall have access to the books, documents and other records of the other that are related to this Agreement for the purposes of examination, copying and audit, unless otherwise limited by law.

X. PROPERTY OF COUNTY

In the event of termination of this Agreement, all files and documents of any kind related to the scope of work set forth in this Agreement shall be transferred back to the County. The County shall only pay the actual costs of the transfer.

XI. CONTRACT ADMINISTRATION

The County designates _____, to represent the County in all matters pertaining to the administration of this Agreement.
The City designates _____, to represent the City in all matters pertaining to the administration of this Agreement.

XII. ENTIRETY OF AGREEMENT

This Agreement constitutes the entire Agreement between the parties. No waiver, consent, modification or change of the terms of this Agreement shall bind either party unless made in writing and signed by both parties.

XIII. SEVERABILITY

The County and City agree that if any terms or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular term or provision to be held invalid.

MULTNOMAH COUNTY

By:_____
Ted Wheeler, Chair

Date:_____

CITY OF PORTLAND

By:_____
Sam Adams, Mayor

Date:_____

By:_____
LaVonne Griffin-Valade
Auditor

Date:_____

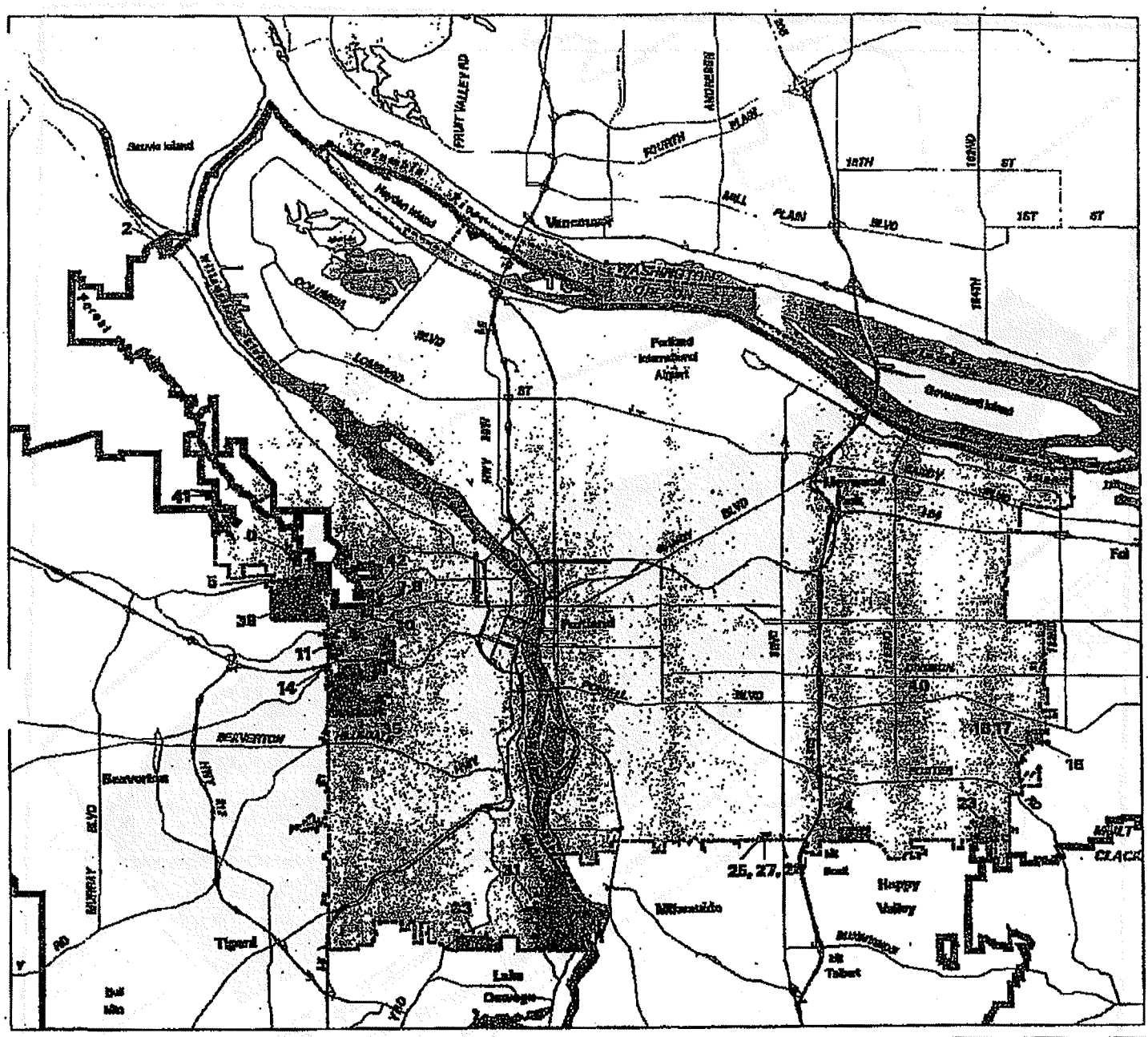
REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By:_____
Sandra Duffy, Assistant County Attorney

APPROVED AS TO FORM

_____
City Attorney



Multnomah County Compliance Project
UIA's (Unincorporated Areas)

INFORMATION SOURCES:

Taxlots: Originally produced by Oregon Dept. of Revenue. Modified and updated by Multnomah County Assessment & Taxation and Portland Dept. of Transportation. Updated through March 2001. Accuracy: +/- 3 feet.

Urban Growth Boundary
Source: Digitized by Metro, updated by Washington County RLIS & Metro (Nov. 23, 1921). Registered to taxlot base. Updated by Metro (Aug. 2000).

All data compiled from source materials at different scales. For more detail, please refer to the source materials at City of Portland, Bureau of Planning.

The information on the map was derived from digital databases on the City of Portland, Bureau of Planning GIS. Care was taken in the creation of this map but it is provided "as is". The City of Portland cannot accept any responsibility for error, omissions, or positional accuracy and therefore, there are no warranties which accompany this product. However, notification of any errors will be appreciated.

Exhibit 1

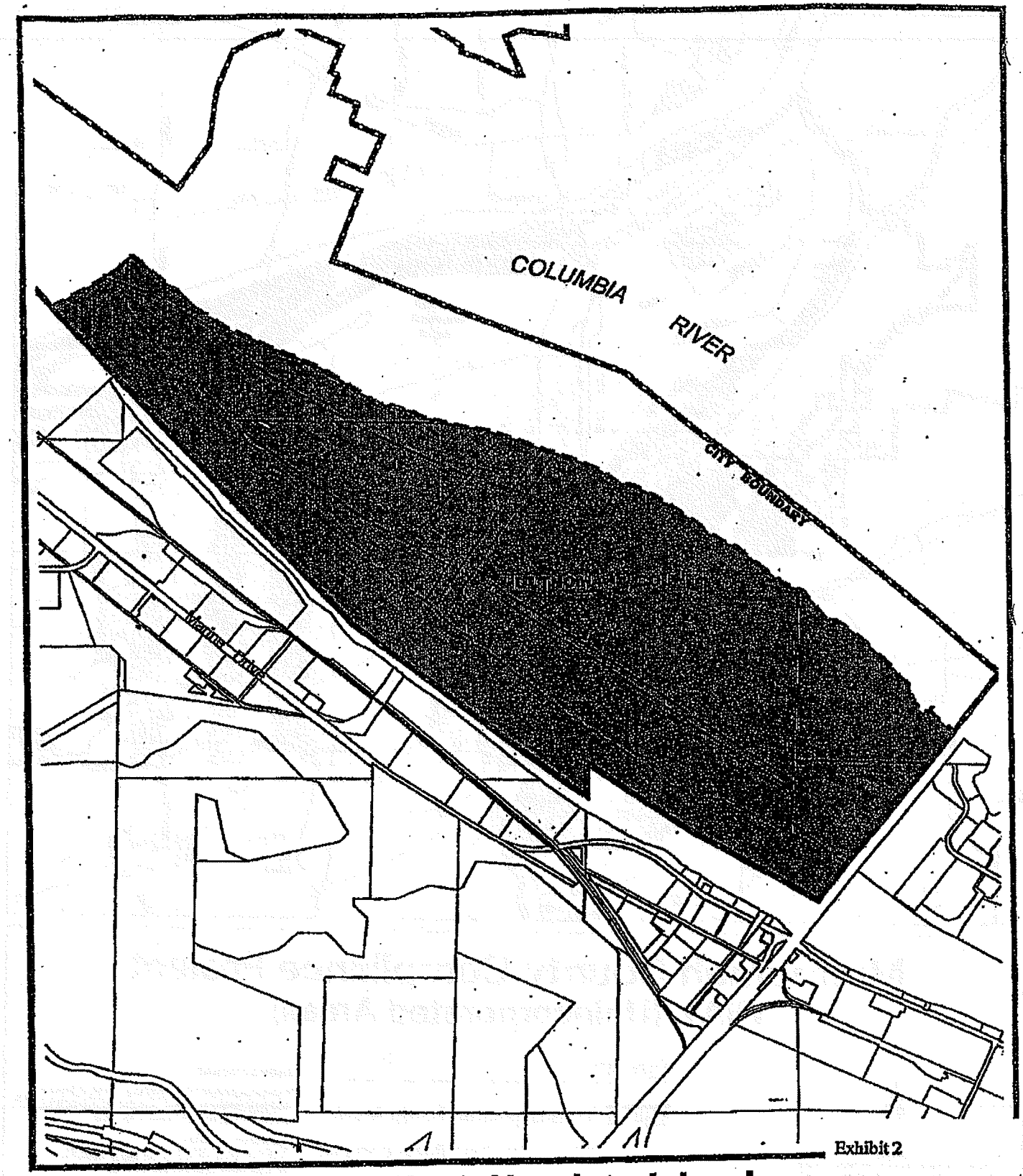


Exhibit 2

West Hayden Island

Site Location

Urban Services Boundary

City Boundary

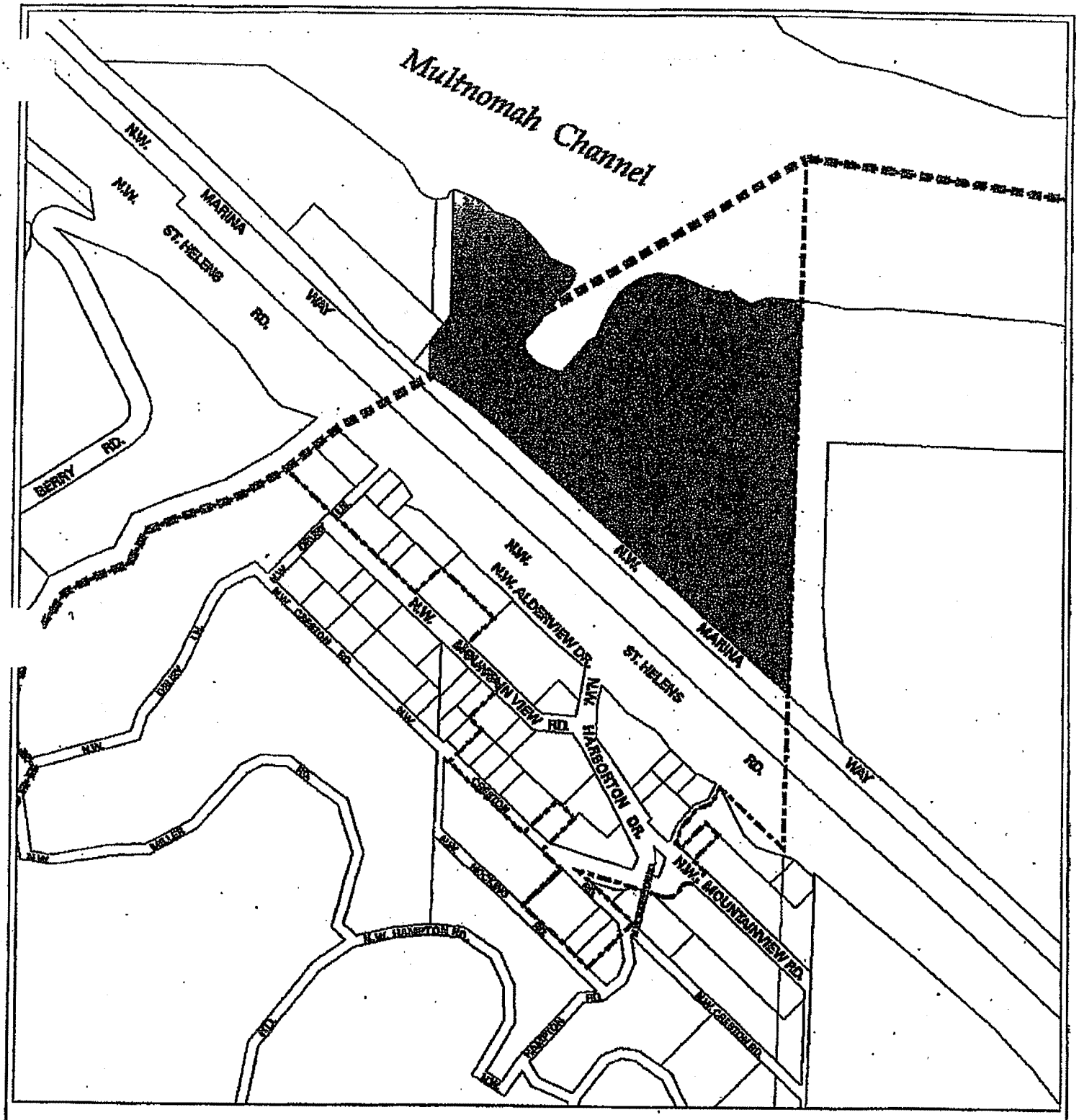
N

1 inch = 2000 feet

City of Portland

Nov. 19, 2001

183534



"Fred's Marina" Site

Exhibit 3

City of Portland
Bureau of Planning
Geographic
Information System
November 19, 2001

Site Location
State-id - 2N1W34 200

Urban Services Boundary

City Boundary

N

Scale
0' 175' 350' 525'

City of Portland Bureau of
Planning and Sustainability
Sam Adams, Mayor | Susan Anderson, Director

Invasive Plant Policy and Regulatory Improvement Project

Appendix G:
Letters of Support from the Planning Commission Hearing on November 10, 2009 and the *Proposed Draft: Report and Recommendations to Planning Commission*, dated October 9, 2009

Department of Community Services
MULTNOMAH COUNTY OREGON

Land Use and Transportation Program
1600 SE 190th Avenue
Portland, Oregon 97233-5910
PH. (503) 988-3043 Fax (503) 988-3389
www.co.multnomah.or.us/landuse

183534

November 3rd, 2009

Portland Planning Commission
1900 SW 4th Avenue
Portland, OR 97201-5380

Dear Planning Commission,

Multnomah County is writing in support of the City of Portland's Invasive Plant Policy and Regulatory Improvement Project. As a neighboring jurisdiction and planning partner, we see many parallels between the goals of this project and county policies and regulations crafted to help control the spread of invasive plants.

We understand the Invasive Plant Policy and Regulatory Improvement Project will update the Portland Plant List to add rankings that describe the current distribution and level of invasiveness for each species. This will help establish land management priorities and direct outreach and education efforts. The proposed changes to Title 33 will clarify invasive plant removal requirements associated with development in environmentally sensitive areas. The proposed changes to Title 29 will require property owners to remove invasive species that are currently limited in distribution. This will improve the effectiveness of invasive plant management on adjacent public land.

We are pleased to see the City of Portland implement these code and policy changes. These actions are an important step in carrying out the Portland Watershed Management Plan and the Invasive Plant Management Strategy. Multnomah County fully supports these changes and is pleased to be a partner in regional invasive plant management.

Sincerely,

Adam Barber

Adam Barber, CPESC
Multnomah County Senior Planner
503-988-3043 x 22599
adam.t.barber@co.multnomah.or.us

183534

Oregon

Theodore R. Kulongoski, Governor

Department of Agriculture
635 Capitol Street NE
Salem, OR 97301-2532

November 9, 2009

Planning Commission
1900 SW Fourth Ave., Suite 7100
Portland OR 97201

RE: Invasive Plant Policy Comments

ODA fully supports and commends the City of Portland for their proactive approach to the management and control of invasive plants as outlined within the Invasive Plant Policy. As the changes in this policy are implemented they will provide the foundation for setting of priorities for effective management and control of invasive plants within the City of Portland jurisdictional boundaries and overall protection of resources.

Some specific comments regarding the City of Portland Invasive Plant Policy are as follows:

Page 2, Introduction, fourth paragraph: references "OAR 603" this is a broad section and thus the reference should read: "OAR 603-052-1200".

Page 24, State of Oregon Section second paragraph. We can provide you with some clarification between the ORS and OAR's before the policy goes to final print.

Thank you for the opportunity to provide comments on the City of Portland Invasive Plant Policy. We look forward to working together on invasive plant and noxious weed issues in the future.

If you have any questions or need further assistance, please contact me.

Sincerely,

Tim Butler, Manager
ODA Noxious Weed Control Program
503 986-4625
tbutler@oda.state.or.us

183534

The Nature Conservancy
SAVING THE LAST GREAT PLACES ON EARTH

The Nature Conservancy in Oregon
821 SE 14th Avenue
Portland, OR 97214-2537

tel 503 802-8100
fax 503 802-8199
nature.org/oregon

November 10, 2009

Portland Planning Commission
1900 SW 4th Avenue
Portland, OR 97201-5380

Dear Planning Commission,

I am writing in support of the City of Portland Invasive Plant Policy and Regulatory Improvement Project. The Nature Conservancy's mission is to preserve the plants, animals and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive. Next to direct habitat conversion and destruction, invasive species pose the greatest threat to biodiversity in Oregon and across the United States. Addressing this threat requires the sustained effort of our county and city governments. Portland's Invasive Plant Management Strategy provides the direction needed to address this threat and the Invasive Plant Policy Review and regulatory Improvement Project is critical to help put this Strategy into action.

The Invasive Plant Policy and Regulatory Improvement Project will update the Portland Plant List to add rankings that describe the current distribution and level of invasiveness for each species. This will help establish land management priorities and direct outreach and education efforts. Establishing the Portland Plant List as an Administrative Rule will facilitate the maintenance of this list so that it accurately reflects the current distribution and threat posed by invasives. The proposed changes to Title 33 will clarify invasive plant removal requirements associated with development in environmentally sensitive areas. The proposed changes to Title 29 will require property owners to remove invasive species that are currently limited in distribution. This will improve the effectiveness of invasive plant management on adjacent public land. The Conservancy is especially heartened to see that the Invasive Plant Policy and regulatory Improvement Project emphasizes this early detection and rapid response to invasive plants that are not yet beyond control. We believe that this is the most effective and cost effective strategy for dealing with invasives.

We are happy to see the City of Portland implement these code and policy changes. These actions are an important step in carrying out the Portland Watershed Management Plan and the Invasive Plant Management Strategy. The Nature Conservancy in Oregon fully supports these changes and is pleased to be a partner in regional invasive plant management.

Sincerely,

Steven C. Buttrick, PhD.
Director of Conservation Science and Planning
The Nature Conservancy in Oregon

183534

Sears, Tricia (PLN)

From: Taya Cummins [tcummins@swca.com]
Sent: Thursday, November 05, 2009 12:00 PM
To: Sears, Tricia (PLN)
Subject: Invasive Plant Policy notes

Tricia-

Thank you for presenting information on the Policy to the public last week. I have reviewed the DRAFT and commend BES on doing a very nice job. Of course, this has been a long time coming and is a necessary tool for the City. I have provided a few comments on the document. Please feel free to contact me should you have specific questions.

Section 1D: The definition of REMOVAL does not account for spraying. There are some species that, even if a segment of root remains, can regenerate after being 'removed' and therefore control is most effective when sprayed.

2B: Development Standards (pg. 11): Why only consider the 'permanent disturbance area' when calculating % of area which removal of invasives is required? It seems that even temporary disturbance areas could potentially contribute to future establishment of invasive plants. Consider revising to include temporary disturbance areas (laydown areas, temporary work areas, etc.).

2B: Development Standards (pg. 11): Consider allowing bare-root stock as well. Properly maintained bare-root plants establish nicely.

Other Recommendations (pg. 14): Provide homeowners with a list of contractors that have been approved by BES for removal and revegetation. This will insure the homeowner that their investment in this process will satisfactorily meet City requirements.

2C (pg. 15): "Removal of both rank "A" and rank "B" plants *is* the focus of the BES Early Detection and Rapid Response (EDRR) team. However, at this time, the proposal is that the eradication requirement focuses only on certain rank "A" plants to help manage the work load, funding, and education concerns... " *Comment:* Why not adhere the need to control both here? There may be NEW populations of "B" plants or the combination of "A" and "B" plants at a site, so why not use strong verbiage here to account for the removal of plants as recommended by the BES EDRR?

G. Monitoring and Reporting (Appendix A, pg. 7): Will this be done by BES/BDS staff? OR Recommend a list of City-approved consultants that can assist with this process.

Revised Portland Plant List (Appendix B): Overall, the "A, B, C" ranked species lists are limited but well organized. I have noticed a few other species ("W" and not on the list at all) that are invasive, having the potential to displace native species, at mitigation sites within the City of Portland. Specific species include: pin oak (*Quercus palustris*) which is planted widely in landscaping and creeping Jenny (*Lysimachia nummularia*) which is highly invasive in areas inundated with water throughout a portion of the growing season (swales along Columbia slough).

Thank you,

Taya Katherine Cummins, M.S.
Botanist
SWCA Environmental Consultants
434 NW 6th Avenue, Suite 304
Portland, OR 97209

Cell: 503.307.5642
Office: 503.224.0333
Fax: 503.224.1851

183534

November 10, 2009

The East Multnomah Soil and Water Conservation District has reviewed and generally supports the Invasive Plant Policy Review and Regulatory Improvement Project. The District thanks the Planning Commission for the opportunity to submit these preliminary comments. The District will continue to review the recommended improvements and may submit more detailed comments in the future.

The updates and clarifications included in this document will help the City of Portland manage existing, and prevent the establishment of new invasive plants. The addition of a ranking system to the Nuisance Plants List creates a prioritization that is crucial to controlling invasive plants. Preventing the introduction of new invasive weeds will save the City money in the long run. Reauthorizing the Portland Plant List as an administrative rule will allow the addition of new weed threats to the Nuisance Plant List as identified. This policy will also make it easier to remove invasive trees.

While we understand that the rank of a plant on the Nuisance Plant list is in part determined by its current distribution, we would like to see more priority given to the control of invasive vines like ivy (*Hedera* sp.) and *Clematis vitalba* (old man's beard), given the negative impact these vines have on trees. We encourage the City to prioritize control of these vines on their own properties, private properties, and properties owned by other government entities.

Our organization is mentioned as one of the partners in local weed control efforts, and we look forward to continuing that partnership. Soil and Water Conservation Districts are also mentioned as one of the partners that BES may refer property owners to if chemical application is necessary, or if the City has insufficient funding to pay for eradication. We are open to further conversations about the role of East Multnomah SWCD, given our policies and priorities. It is our current policy not to provide financial assistance to property owners who are under an enforcement action. In addition, we are non-regulatory and cannot help the City enforce this new policy. We do provide assistance with weed control to property owners in our priority areas, and are committed to preventing the invasion of weeds on the Multnomah County area Early Detection Rapid Response list. We look forward to identifying ways that we can work with the City of Portland on future weed control efforts.

Sincerely,

Julie DiLeone

Julie DiLeone
Conservation Technical Assistance Coordinator

5211 NORTH WILLIAMS AVENUE, PORTLAND, OR 97217
T: 503-222-7645 | HTTP://WWW.EMSWCD.ORG

183534

October 31, 2009
13900 NW Old Germantown Rd.
Portland, Oregon 97231

RECEIVED
PLANNING BUREAU
2009 NOV -4 A 10:09

City of Portland
Bureau of Planning & Sustainability
1900 SW Fourth Ave., Suite 7100
Portland, OR 97201-5380

We are residents on the west-facing slope of the Tualatin Mountains, near Forest Park. For the 25 years that we've lived on this six acres, we have battled Scotch Broom, Canada and Bull Thistle, Himalayan Blackberry (Rubus discolor), and other invasive, non-native plants. Although the R. discolor is our worst pest, new (to us) invasive plants, like Herb Robert, continue to filter in. In just the last three years, we've started to find, and remove, Ivy (Hedera species) seedlings in the vegetable garden and scattered in the woods.

We applaud the city's Proposed Draft on invasive plants. The ranking of plants into A, B, C, D, and Watch species is in line with current research, and aids in defining useful policy. We are also glad to see a list of plants to be removed from the Portland Plant list (Appendix B, p. 29). These plants, among them native species like Horsetails, do not pose the threat of the A-D plants, which should be the focus of city efforts.

We also applaud efforts to eradicate A list plants on page 31, Appendix B. However, we hope that two invasives which most threaten the health of native trees, in particular Forest Park and other natural areas, would be high priorities. Ivy (Hedera species) and Clematis vitalba blanket the ground and climb trees throughout Portland. Forest Park Conservancy has proposed greatly increasing Ivy control efforts, which we think is necessary to protect existing trees and for replacement tree seeding. This was a "shovel ready" program that should have been funded from Federal Stimulus monies! Ivy used as groundcovers along roads and freeways should be removed, and replaced with tough, low-growing natives like Snowberry. Ivy not only fruits when it climbs trees, but also will make fruiting mounds in otherwise flat plantings. We'd especially like to see Ivy and Clematis cut from trees and poles along major arterials like Burnside, St. Helens Road, and Sunset Highway from the Sylvan crest to the tunnel. Ivy and Clematis removal should be a routine part of street repair and improvement.

Thank you.

Judith and Jim Emerson

Judith Emerson Jim E

CITY OF GRESHAM

Department of Environmental Services
1333 N.W. Eastman Parkway
Gresham, OR 97030-3813
(503) 618-2525
TTY (Hearing/Speech Impaired) - (503) 661-3942
FAX (503) 661-5927
www.ci.gresham.or.us

183534

November 10, 2009

Portland Planning Commission
1900 SW 4th Avenue
Portland, OR 97201-5380

Dear Planning Commission,

I am writing in support of the City of Portland Invasive Plant Policy and Regulatory Improvement Project. The City of Gresham is undertaking similar initiatives in regards to control of invasive species, due to the significant negative impacts that aggressive nuisance species can have on our urban canopy, biodiversity, and recreational resources. We are seeing a significant economic impact in our efforts to safeguard our stream banks, right-of-ways, and water quality from the impacts of invasive plants and animals. Similar to the goals of Portland's Invasive Plant Policy and Regulatory Improvement Project, Gresham has introduced nuisance code that requires property owners to remove designated nuisance weeds from their properties. We are also updating our Nuisance and Prohibited Species lists to be consistent with the City of Portland's lists. As adjacent partners in the fight against the spread of invasives, we are greatly appreciative of Portland's initiatives on this front.

The Invasive Plant Policy and Regulatory Improvement Project will update the Portland Plant List to add rankings that describe the current distribution and level of invasiveness for each species. This will help establish land management priorities and direct outreach and education efforts. The proposed changes to Title 33 will clarify invasive plant removal requirements associated with development in environmentally sensitive areas. The proposed changes to Title 29 will require property owners to remove invasive species that are currently limited in distribution. This will improve the effectiveness of invasive plant management on adjacent public land.

We are happy to see the City of Portland implement these code and policy changes. These actions are an important step in carrying out the Portland Watershed Management Plan and the Invasive Plant Management Strategy. The City of Gresham's Watershed Division fully supports these changes and is pleased to be a partner in regional invasive plant management.

Sincerely,

Steve Fancher
Watershed Division Manager
City of Gresham

183534

WEST MULTNOMAH

SOIL & WATER CONSERVATION DISTRICT

November 9, 2009

Planning Commission
1900 SW Fourth Avenue, Suite 7100,
Portland, OR 97201

Re: Support for the Invasive Plant Policy Review and Regulatory Improvement Project

Dear City Commissioners,

I am writing on behalf of the West Multnomah Soil and Water Conservation District in support of the Invasive Plant Policy Review and Regulatory Improvement Project.

The West Multnomah Soil and Water Conservation District (WMSWCD)'s mission is *to conserve and protect soil and water resources for people, wildlife and the environment.* A key component of our district's work is protecting our natural resources through effective invasive species management. The WMSWCD and the City of Portland currently partner on many invasive plant initiatives.

Here are our comments on the project:

- The project components -- upgrading the Portland Plant List, evaluating opportunities to improve invasive plant control by updating City Codes and rules, coordinating with the Portland Plan and researching the feasibility of establishing a local noxious weed law -- will all be crucial to effective invasive weed control.
- The Portland Plant List is in dire need of updating. Some very damaging invasives are missing.
- The WMSWCD is hopeful that the required removal of invasive trees in selected sensitive areas is approved.
- The proposed improvement and review of city codes and possible implementation of a noxious week law will greatly assist with the most difficult part of invasive plant management – coordinating with private landowners to treat their weeds.
- The WMSWCD is eager to partner further with the City on invasive plant projects and is fully supportive of revised and new provisions enhancing the existing EDRR program efforts.
- Furthermore, we encourage the City of Portland to dive even further into this effort by following leaders such as the City of Chicago, which regulates the sale of invasive species within their City.

We applaud your efforts to address these issues and look forward to future work together on this important environmental issue.

Sincerely,

Jane Hartline

Digitally signed by Jane Hartline
DN: cn=Jane Hartline, c=US, o=OregonZoo, ou=Marketing Manger
Date: 2009.11.09 12:43:36 -08'00'

Jane Hartline
WMSWCD Board of Directors

2701 NW VAUGHN STREET, SUITE 450 ♦ PORTLAND, OR 97210
P: 503.238.4775 ♦ F: 503.326.3942
WWW.WMSWCD.ORG

Three Rivers
LAND CONSERVANCY

183534

October 27, 2009

Received 11/17/09

Portland Planning Commission
1900 SW 4th Avenue
Portland, OR 97201-5380

Dear Planning Commission,

I am writing in support of the City of Portland Invasive Plant Policy and Regulatory Improvement Project. Three Rivers Land Conservancy works to conserve and restore private lands in the lower Willamette, Tualatin and Clackamas River watersheds. We often partner with City of Portland agencies on coordinated removal of invasive species.

The Invasive Plant Policy and Regulatory Improvement Project will update the Portland Plant List to add rankings that describe the current distribution and level of invasiveness for each species. This will help establish land management priorities and direct outreach and education efforts. The proposed changes to Title 33 will clarify invasive plant removal requirements associated with development in environmentally sensitive areas. The proposed changes to Title 29 will require property owners to remove invasive species that are currently limited in distribution. This will improve the effectiveness of invasive plant management on adjacent public land.

We are happy to see the City of Portland implement these code and policy changes. These actions are an important step in carrying out the Portland Watershed Management Plan and the Invasive Plant Management Strategy. Three Rivers Land Conservancy fully supports these changes and is pleased to be a partner in regional invasive plant management.

Sincerely,

Laura O'Leary
Stewardship Director
Three Rivers Land Conservancy

Office • 1675 South Shore Boulevard • Lake Oswego, Oregon 97034
Correspondence • PO Box 1116 • Lake Oswego, Oregon 97035
Tel: (503) 699-9825 • Fax: (503) 699-9827 • info@trlc.org • www.trlc.org

183534

November 10, 2009
Portland Planning Commission

Invasive Plant Policy Review and Regulatory Improvement Project

Bonny McKnight
Coodinator; Citywide Land Use Group

I had expected to be able to testify at today's meeting but find I cannot. Here are some of the points I think are important to consider:

- This proposal has had insufficient public review.

- Changes to Title 33, the zoning code, have not been provided for comments to the Neighborhood Association Land Use Review committee system. It is important that Title 33 Code changes be communicated to Neighborhood Associations prior to adoption and that opportunity will inform the Planning Commission.

- All tree related code should be included in the Tree Policy work and new Chapter 11 – (Trees) - development that is nearing completion, rather than be modifications and/or changes to other titles. The original Council charge for the Tree Policy work was to clarify tree rules and focus the requirements of 7 titles into a single code where regulations and their impacts could be easily understood and evaluated.

- Using a single "Plant List" approach to cover both invasive plants and trees is misleading. The intent of the code dealing with invasive plants is to remove them without exception. Tree removal should require replacement with an accepted species the requirement. A single list makes the difference in handling requirements less clear. It makes more sense to have a "Plant List" and a "Tree List", which clearly demonstrates that the requirements about removal are different.

- All trees should be considered as part of watershed and if that is done, all tree removal should require planting of a replacement tree of the correct species. The language is unclear whether or not that is always the case.

- Changes to the Portland Plant List should remain legislative rather than change to administrative. Public review and comments are essential to inform decisions about items on the list but also to educate and explain why changes are being made.

These comments come from a cursory review of this 128 page document. More complete review and comments need time. Please extend the timeline on this document and refer it to the Neighborhood Associations for evaluation. Please extend the comment period to the end of January, 2010. That will make allowances for the holiday season and reductions in Neighborhood Association meeting opportunities during that time.

Thank you.

183534

Inspiring people to love & protect nature since 1902

November 9, 2009

Re: Invasive Plant Policy and Regulatory Improvement Project

Portland Planning Commission
1900 SW 4th Ave
Portland, OR 97201-5380

Portland Planning Commission,

The Audubon Society of Portland fully supports the Invasive Plant Policy Review and Regulatory Improvement Project. It is well understood that invasive plant species threaten the health of our natural areas and the wildlife that depend on them. These code and policy changes are important for making progress on the spread and introduction of invasive plants in Portland.

The proposed policy review and project compliments our current work in our own wildlife Sanctuary and our ongoing invasive species education program for private property owners. Audubon Society of Portland manages 165 acres of forested wildlife sanctuary. Our goal is to remove major invasive species from the sanctuary and prevent the establishment of new infestations of invasive plant species. We are also working with small lot private property owners to remove invasive species from their yards through our Backyard Habitat Certification Program.

The Invasive Plant Policy Review and Regulatory Improvement Project will provide additional resources to us through the updating of the Portland Plant List. The Portland Plant List is an excellent resource and the proposed updates, including the addition of rankings that describe the current distribution and level of invasiveness, will increases its usability and value as a resource.

We support the Invasive Plant Policy Review and Regulatory Improvement Project and believe these code and policy changes are valuable improvements to Invasive Plant Species management within the City of Portland. We would like to encourage the Commission to partner with agencies and organizations throughout the region to develop a strategic long term plan to stop the spread of invasives. We are happy to be a partner on this project, and we will continue to educate, remove and monitor invasive plants in our region.

Sincerely,

Karen Munday
Urban Wildlife Specialist

Ariana Longanecker
Urban Conservation

5151 NW Cornell Road, Portland, OR 97219 • Tel 503.292.6855, Fax 503.292.1021 • www.audubonportland.org

183534

Tryon Creek Watershed Council
c/o Friends of Tryon Creek SP
11321 SW Terwilliger Blvd.
Portland, OR 97219
Phone: 503-636-4398 x109
Email:tcwc@tryonfriends.org

November 10, 2009

City of Portland
Planning Commission
1900 SW 4th Avenue
Portland, OR 97201

Re: Invasive Plant policy Review and Regulatory Improvement Project

Commission Members:

As stewards and advocates of watershed health and restoration, the Tryon Creek Watershed Council (TCWC) spends significant time and resources on projects designed to eradicate the introduction of invasive plants and prevent the introduction of such species. Invasive plants are an ongoing threat to Portland's and Multnomah County's watersheds, and represent a problem that deserves increased attention by local government.

TCWC therefore strongly supports the proposed actions and code changes resulting from the Portland Bureau of Planning and Sustainability's Invasive Plant policy Review and Regulatory Improvement Project. We encourage the Planning Commission to approve the proposed changes to the City's efforts to prevent and combat invasive plants, and look forward to continuing to work with the City to address this serious problem.

Sincerely,

/S/ Daniel J Rohlf
Vice Chair, Tryon Creek Watershed Council

183534

Sears, Tricia (PLN)

From: Caroline [caro4321@earthlink.net]
Sent: Sunday, November 08, 2009 7:59 PM
To: Sears, Tricia (PLN)
Subject: comment on invasive policy

from: Caroline Skinner
2420 NW Quimby St #14
Portland, OR 97210
503-248-9719
caro4321@earthlink.net

Greetings,

I would like to send in a general letter of support for the city's new invasive plant management policy. I do a lot of volunteer ivy removal work and know how bad it is. Ivy strangles trees, and is ruining much of Forest Park's habitat. I used to be friends with Sandy Diedrich, who kicked off the entire "No Ivy League" concept through her wonderful program through Portland Parks Dept. She employed local, low-income youth with summer jobs doing ivy removal at the park, and brought in countless local groups to volunteer their time for ivy removal. Sadly, for all the work that has already been done, there is still a huge problem with ivy climbing trees, killing them and choking out virtually all other types of plant life. Sandy Diedrich is no longer with us, but her work continues in many ways, starting with the acknowledgment that English ivy is a big problem that must be dealt with.

I appreciate an Integrated Pest Management (IPM) approach. The IPM approaches de-emphasizes use of pesticides or herbicides. It does not outlaw or forbid them, but reserves them for minimal use, in only the most-needed applications. I am very concerned about harmful effects of pesticides and herbicides on the people who apply them, people who contact them in any way, and on the environment itself. So bad as the invasion of non-native species is, we need to not over react by over-relying on herbicides to address the ongoing problem.

I believe education of the public and property owners is essential.
Ideally, I'd like to see it become illegal to have mature ivy on private property. Home owners and land owners could either take out the mature ivy themselves, or have an avenue such as Sandy's program, or the one at Three Rivers Conservancy, to get help with ivy removal if needed. With all the hard work that's been done, and is being done to remove invasive ivy from Forest Park and in other areas, it's disheartening to see ivy patches in private yards, or climbing up buildings, that have become mature, bloomed and made seeds. Birds eat the seeds and then broadcast them in places that can be hard to reach.
We need to break the cycle of ivy overgrowth starting with stopping ivy from reaching its reproductive stage. I hope this becomes a priority in the final version of the new plan. Thank you so much for addressing this important issue.

Caroline Skinner / NW Portland

Received 11/18/09
+BPS

600 NE Grand Ave.
Portland, OR 97232-2736
www.oregonmetro.gov

183534

Metro | *People places. Open spaces.*

November 9, 2009

Portland Planning Commission
1900 SW 4th Avenue
Portland, OR 97201-5380

Dear Planning Commission:

I am writing in support of the City of Portland Invasive Plant Policy and Regulatory Improvement Project. Invasive species are recognized as a major threat to ecosystems worldwide, but urban areas are particularly vulnerable due to high levels of habitat disturbance and the many routes through which such species can be introduced. As a regional planning agency that owns more than 8,000 acres of natural areas, Metro supports the City's efforts to directly address invasive species through policy and action.

The Invasive Plant Policy and Regulatory Improvement Project will update the Portland Plant List to add rankings that describe the current distribution and level of invasiveness for each species. This will help establish land management priorities and direct outreach and education efforts. The proposed changes to the City's Title 33 will clarify invasive plant removal requirements associated with development in environmentally sensitive areas. The proposed changes to Title 29 will require property owners to remove invasive species that are currently limited in distribution. This will improve the effectiveness of invasive plant management on adjacent public land.

We are happy to see the City of Portland implement these code and policy changes. These actions are an important step in carrying out the Portland Watershed Management Plan and the Invasive Plant Management Strategy. Metro fully supports these changes and is pleased to be a partner in regional invasive plant management.

Sincerely,

Jonathan Soll
Manager, Science and Stewardship
Metro

JS/lah

	Appendix H			
List of Stakeholder Involvement Actions for the Invasive Plant Policy Review and Regulatory Improvement Project				
1/12/2010	Please note this does not include every single conversation by phone and email. Nor does it include every meeting.			
Discussion Dates	**Notes**	**Office**	**Name**	**Position**
9/30/2008	Meeting to discus BOP workplan & timelines	BOP and BES	Tricia Sears, Roberta	
	for components in MOU.		Jortner, Jennifer Goodridge	
10/9/2008	JG met with Chris Scarzello and Tricia joined the	BOP and BES	Tricia Sears, Chris	
	meeting on history of PPL.		Scarzello, Jennifer Goodridge	
10/7/2008	General CWMA meeting. I attended with JG.	CWMA	4-County Cooperative	
	Introduced myself and the work I'm doing.		Weed Mngt Area	Nate Woodard, contact
10/13/2008	Went through list of plants (.xls), discussed	CWMA Technical	subgroup of CWMA	
	ranks of those plants, definitions of ranks.	Working Group		
10/14/2008	JG cancelled check in mtg because she felt we	BOP and BES	Tricia Sears, Roberta	
	were up to speed on things.		Jortner, Jennifer Goodridge	
10/15/2008	Conference call with Tim Butler and Janet Fults	Oregon Dept of Agriculture	Tim Butler	Manager, ODA Noxious
	at ODA, Jennifer Goodridge, BES, Mitch Bixby,			Weed Control Program
	BES, and John Reed, PP&R, Tricia Sears, BOP			
10/28/2008	JG, Tricia, and Roberta met for check in mtg.	BOP and BES	Tricia Sears, Roberta	
	Discussed preparation for 10/29 mtg. Noted		Jortner, Jennifer Goodridge	
	that my article for Local Focus magazine			
	had been submitted.			
10/29/2008	Internal stakeholder mtg to vet PPL definitions	City staff from BES, PP&R	see list of people	
	of ranks (A, B, C, D).	BOP, and Metro		
Nov-08	Article written by Tricia published in the League	BPS, BES	Tricia Sears	
	of Oregon Cities magazine, Local Focus.			
11/12/2008	Check in meeting. Discussed documentation of	BOP and BES	Tricia Sears, Roberta	
	work done. Tricia will create additional documents		Jortner, Jennifer Goodridge	

	to help show work that has been done. Discussed			
	my contacting nonprofits, my research on noxious			
	weed law, our codes and policies etc.			
11/21/2008	Deadline for internal stakeholders to give	City staff from BES, PP&R	same people as 10/29/08	
	comment on definitions of ranks, changing ranks	BOP, and Metro		
	of existing plants on PPL, adding plants to PPL			
12/2 to 12/4/08	Oregon Interagency Noxious Weed Symposium	Agency and community	City staff, state, non-prof	
		organizations		
12/9/2008	Internal stakeholder mtg to discuss comments	City staff from BES, PP&R	same people as 10/29/08	
	on definitions of ranks, changing ranks on	BOP, and Metro		
	existing plants on PPL, adding plants to PPL			
12/9/2008	CWMA general meeting.	CWMA	same as 10/7/08	
12/10/2008	Check in meeting. Discuss latest info, go over	BOP and BES	Tricia Sears, Roberta	
	"check in packet" items.		Jortner, Jennifer Goodridge	
12/11/2008	Contacting ODA to discuss meeting with them in	ODA	Tim Butler	
	person to go over the City's invasive plant project			
	prior to us putting it out for public comment.			
12//11/08	Contacting TNC to discuss their research on	The Nature Conservancy	Mike Dennis	Local Governm. Relations
	weed boards.			
1/5/2009	Check in meeting.	BOP and BES	Tricia Sears, Roberta	
			Jortner, Jennifer Goodridge	
1/7/2009	Meeting with ODA in Salem	BOP, BES, ODA	Tricia Sears, Jennifer	
			Goodridge, Tim Butler,	
			Shannon Brubaker	
1/8/2009	Policy and Codes Invasive Plant Issue Paper	BOP, BES, BDS, BOM,	Tricia Sears, many others	
	kickoff meeting	POEM, Water Bureau		
1/8/2009	Meeting with Oregon Association of Nurseries	BOP, BES, OAN	Tricia Sears, Jennifer	
	in Wilsonville		Goodridge, Elizabeth	
			Peters, John Aguirre, Jeff	

			Stone, Michael MaMahan	
1/13/2009	Invasive Species Day in Salem	BOP and BES	Tricia Sears, Jennifer	
			Goodridge, Mitch Bixby	
			Steve Lower	
1/20/2009	Check in meeting.	BOP and BES	Tricia Sears, Roberta	
			Jortner, Jennifer Goodridge	
1/26/2009	Meeting with Oregon Association of Nurseries,	BOP, BES, OAN	Tricia Sears, Jennifer G,	
	the Natural Resources Committee in Wilsonville		Michael MaMahan	
1/27/2009	Internal stakeholder meeting #2 re: Policy and	BOP, BES, BDS, BOM,	Tricia Sears, many others	
	Code Invasive Plant Issue Paper	POEM, Water Bureau		
		Fire Bureau		
1/27/2009	PPL vetting meeting to discuss plants & ranks	BOP, BES, PP&R	Tricia Sears, Mitch Bixby	
			Toby Query, Mark Wilson	
			John Reed, Jennifer G	
1/27/2009	Met with Clark County Weed Department	BOP and Clark Co	Tricia Sears, Phil Burgess	
	in Brush Prairie, WA		Glenn Lesback, Ron H,	
2/3/2009	CWMA general meeting.	CWMA	same as 10/7/08	
2/3/2009	Check in meeting.	BOP and BES	Tricia Sears, Roberta	
			Jortner, Jennifer Goodridge	
2/10/2009	Phone conversation with Craig Edminister		Tricia (rec'd by Angie Kimpo)	
	Pacific Northwest Natives cell 503-580-6455			
2/11/2009	Airport landscaping standards	BOP	Jay Sugnet, Mindy Brooks	
			Tricia Sears, Morgan Tracy	
			Chris Scarzello	
2/12/2009	Meeting to discuss erosion control plants and	BOP, BES, BDS	Tricia Sears, Jennifer G,	
	invasive plants. Changes to the Erosion Control		Dawn Hottenroth, Toby	
	Manual. Etc.		Query, Tom Carter, Russ	
			Tilander, Jeremy Person	
			Denis O'Brien	

2/12/2009	Internal stakeholder meeting #3 re: Policy and	BOP, BES, BDS, BOM,	Tricia Sears, many others	
	Code Invasive Plant Issue Paper	POEM, Water Bureau		
2/24/2009	Meeting w/PP&R staff re: Clean Water Services	BOP and PP&R	Tricia Sears, Roberta	
			Jortner, Kendra Peterson	
			Morgan, Astrid Dragoy	
2/24/2009	Wildfire vegetation at urban interface	BPS, BDS, PP&R,	Tricia Sears, Roberta	
		Audubon Society of Pdx	Jortner, Chris Scarzello	
		consultant	Mark Wilson, Kim Parsons	
			Kathy Harnden, Dean	
			Apostle, Bob Sallinger	
2/27/2009	Leveraging development and non-development	BPS	Tricia Sears, Roberta	
	codes, nexus and proportionality, etc		Jortner, Eric Engstrom	
			Shannon Buono, Jessica	
			Richman	
3/2/2009	Check in meeting.	BPS and BES	Tricia Sears, Roberta	
			Jortner, Jennifer Goodridge	
3/19/2009	Meet with City Attorney to discuss authorizing	City Attorney, BPS, BDS	Kathryn Beaumont, Tricia	
	code for invasive plant project.		Sears, Roberta Jortner,	
			Ed Marihart, Ross Caron	
3/25/2009	Internal stakeholder meeting #4 re: Policy and	BPS, BES, BDS, BOM,	Tricia Sears, many others	
	Code Invasive Plant Issue Paper	POEM, Water Bureau		
		Fire Bureau		
3/25/2009	Check in meeting.	BPS and BES	Tricia Sears, Roberta	
			Jortner, Jennifer Goodridge	
3/25/2009	Check in with Jen about PPL ranks/plants to add	BPS and BES	Tricia Sears, Jennifer G	
	and to subtract from list.			
4/3/2009	Meet to discuss noxious weed law and legisla-	BPS and BES	Tricia Sears, Jennifer G	
	tive proposals.		Roberta Jortner, Bob Clay	
			Kim Cox, Dan Vizzini	

			Mike Rosen/Paul Ketcham	
4/3/2009	Meet to discuss draft Zoning Code language.	BPS	Tricia Sears, Shannon	
			Buono, Phil Nameny	
4/6/2009	Check in to discuss prep for 4/9/and 4/10 mtgs.	BPS and BES	Tricia Sears, Roberta	
			Jortner, Jennifer Goodridge	
4/8/2009	Meet to discuss draft Zoning Code language.	BPS	Tricia Sears, Shannon	
			Buono, Phil Nameny	
4/9/2009	Meeting to discuss authorizing code for	BPS, BES, BDS	Tricia Sears, Roberta	
	invasive plant project.		Jortner, Jennifer G, Eric	
			Engstrom, Ross Caron	
			Ed Marihart, Paul Ketcham	
			Dawn Hottenroth	
4/10/2009	Update on invasive plant project at the NRT mtg.	BPS, BES, Parks&Rec	Tricia Sears, Roberta	
			Jortner, Jennifer G etc	
4/14/2009	Conference call with ODA.	BPS and ODA	Tricia Sears, Tim Butler,	
			Shannon Brubaker,	
			Tom Forney	
4/15/2009	Phone conversation with Multnomah County RE:	BPS & Mult Co Land Use	Tricia Sears, Derrick	
	County weed control district, Derrick is Principal Planner		Tokos	
4/16/2009	Join City-wide tree project discussion meeting.	BPS	Tricia Sears, Roberta	
	Two key questions from Tricia to group.		Jortner, Chris Scarzello	
			Morgan Tracy, Chris	
			Hagerman	
4/17/2009	Check in meeting.	BPS and BES	Tricia Sears, Roberta	
			Jortner, Jennifer Goodridge	
4/21/2009	PPL vetting meeting. Try to finalize list.	BPS, BES, PP&R, Water	Tricia Sears, Jennifer	
		BDS	Goodridge, John Reed	
			Mark Wilson, Mitch Bixby	
			Toby Query, Angie Kimpo	
			Emily Roth, Kim Parsons	

4/24/2009	Meet to discuss draft Zoning Code language.	BPS	Tricia Sears, Shannon	
			Buono, Phil Nameny	
4/28/2009	Meet with Clean Water Services.	BPS, BES, PP&R, CWS	Tricia Sears, Roberta	
			Jortner, Jennifer G,	
			Dawn Hottenroth, Astrid	
			Dragoy, Kendra Morgan-	
			Peterson, Damon Reishe	
4/30/2009	Check in meeting.	BPS and BES	Tricia Sears, Roberta	
			Jortner, Jennifer G	
5/7/2009	City of Portland Invasive Plant Policy and Regu-	BPS	Tricia Sears	
	latory Improvement Project -sent out email			
	to project database.			
5/8/2009	Conversation about UF Recommended Street	BPS and UF	Tricia Sears, Kathleen	
	Tree List/Nuisance and Prohibited Plants List		Murrin	
5/19/2009	Check in meeting.	BPS and BES	Tricia Sears, Roberta	
			Jortner, Jennifer G	
5/20/2009	Invasive Plant Project public meeting/presenta.	BPS, BES, BDS, etc	Tricia Sears, Roberta	
			Jortner, Jennifer G,	
			Mike Hayakawa, Ed	
			Marihart, Kathy Harnden	
5/19/2009	Email to project database to remind people	BPS	Tricia Sears	
	about the public meetings on 5/20 and 5/21.			
5/21/2009	Invasive Plant Project public meeting with staff	BPS, BES, BDS, etc	Tricia Sears, Roberta	
	presentation.		Jortner, Jennifer G,	
			Mike Hayakawa, Ed	
			Marihart, Kathy Harnden	
5/22/2009	Email to people who attended the Removing	BPS	Tricia Sears	
	Invasive Species, Restoring Healthy Natural			
	Areas Summit on 11/18/08.			

5/27/2009	Email to project database alerting people	BPS	Tricia Sears	
	to project info available on the webpage.			
6/2/2009	CWMA meeting	CWMA	see previous	
6/4/2009	Check in meeting.	BPS and BES	Tricia Sears, Roberta	
			Jortner, Jennifer G	
6/5/2009	Discuss invasive plants, including trees.	BPS and BDS	Tricia Sears, Marisol	
			Caron, Kim Freeman	
6/11/2009	Meeting with Multnomah County to discuss	BPS, Multnomah County	Tricia Sears, Roberta	
	project - Zoning Code and other City Titles.		Jortner, Adam Barber,	
			Chris Wirth	
6/17/2009	Discuss Connecting Green and CWMA	Metro, CWMA, BES, BPS	Jennifer Goodridge, Tricia	
	potential collaborations.		Sears, Lori Hennings,	
			Nate Woodard	
6/18/2009	Invasive tree meeting	BPS, BES, BDS, Parks &	Tricia Sears, Roberta	
		Recreation, Water Bureau	Jortner, Dave McAllister,	
			Sandra Wood, Kim Tallant,	
			Michelle Seward, Angie	
			Kimpo, Kathleen Murrin,	
			Jennifer Karps, Kris Day,	
			Emily Roth	
6/22/2009	Discuss proposed Zoning Code text.	BPS	Tricia Sears, Shannon	
			Buono, Phil Nameny	
6/29/2009	BES BPS check in meeting.	BPS and BES	Tricia Sears, Roberta	
			Jortner, Jennifer Goodridge	
7/15/2009	Authorizing Code meeting.	BPS, BES, BDS	Tricia Sears, Roberta	
			Jortner, Eric Engstrom,	
			Jennifer Goodridge, Dawn	
			Hottenroth, Ross Caron,	
			Ed Marihart, Paul Ketcham	

7/16/2009	CWMA presentation (including City of Portland	CWMA, Connecting	Jennifer Goodridge	
	info about the Invasive Plant Project) to the	Green Alliance	Tricia Sears	
	Connecting Green Alliance.			
7/28/2009	Check in meeting.	BPS and BES	Tricia Sears, Roberta	
			Jortner, Jennifer G	
7/29/2009	Authorizing Code meeting.	BPS, BES, BDS	Tricia Sears, Roberta	
			Jortner, Eric Engstrom,	
			Jennifer Goodridge, Dawn	
			Hottenroth, Ross Caron,	
			Ed Marihart, Paul Ketcham	
7/30/2009	Discuss project and proposed Zoning Code	BPS and BDS	Tricia Sears, Kim Tallant	
	changes with the EN GW team at BDS.		and other BDS staff	
Aug-09	Article written by Tricia on invasive species	BDS and BPS	Tricia Sears	
	published in the Bureau of DevelopmentServices			
	"Checksheet" newsletter.			
8/3/2009	Fiscal Impact/Work Load meeting.	BPS, BES, BDS	Tricia Sears, Roberta	
			Jortner, Jennifer Goodridge,	
			Kim Tallant, Douglas Hardy,	
			Michelle Seward, Mike	
			Hayakawa, Russ Tilander	
8/4/2009	CWMA general meeting.	CWMA	same as 10/7/08	
8/4/2009	Authorizing Code meeting	BPS, BES, BDS	Tricia Sears, Roberta	
			Jortner, Eric Engstrom,	
			Jennifer Goodridge, Dawn	
			Hottenroth, Ross Caron,	
			Ed Marihart, Paul Ketcham	
8/18/2009	Discuss comments on the Portland Plant List	BPS and BES	Tricia Sears, Jennifer	
	from internal and external stakeholders.		Goodridge	
8/27/2009	Discuss project and proposed Zoning Code	BPS and BDS	Tricia Sears, Kim Tallant	
	changes with the EN GW team at BDS.		and other BDS staff	

8/27/2009	Check in meeting.	BPS and BES	Tricia Sears, Roberta	
			Jortner, Jennifer G	
9/19/2009	Build it Green Tour. Handouts about the project	BPS	Tricia Sears	
	available at the Info Fair part of the tour.			
9/24/2009	Joan Hamilton emailed the Department of	BPS and DLCD	Tricia Sears, Joan	
	Land Conservation & Development (DLCD) the		Hamilton	
	required notice and draft report to Planning			
	Commission (both written by Tricia)			
9/25/2009	Confirmation of info received by Joan Hamilton	BPS and DLCD	Joan Hamilton	
	from DLCD.			
9/26/2009	Invasives resolution at City Council.	BES and BPS.	Jennifer Goodridge, Paul	
	Resolution No. 36726 passed with 4-0 vote.		Ketcham, Tricia Sears	
10/6/2009	CWMA general meeting.	CWMA	same as 10/7/08	
10/8/2009	Public notice for the Planning Commission	BPS	Tricia Sears, Chris Dornan	
	mailed to project and legislative databases.			
10/9/2009	Proposed Draft Report and Recommendations	BPS	Tricia Sears	
	to Planning Commission available to public.			
10/15/2009	Discuss project and proposed Zoning Code	BPS and BDS	Tricia Sears, Kim Tallant	
	changes with the EN GW team at BDS.		and other BDS staff	
101/5/09	Kathy Harden from BDS joins BPS and the	BDS, BPS	Kathy Harnden	
	Invasive Plant Project.			
10/19/2009	Meet with Multnomah County Commissioners	BES, Multnomah County	Jennifer Goodridge	
	and their staff. Commissioner Deborah Kafoury.		Adam Barber, Karen	
			Schilling	
10/20/2009	Meet with Multnomah County Commissioners	BES, BPS, Multnomah	Jennifer Goodridge	
	and their staff. Commissioner Diane McKeel.	County	Tricia Sears, Kathy Harnden	
			Adam Barber, Karen	
			Schilling	

10/20/2009	Presentation to the West Multnomah Soil &			
	Water Conservation District Board of Directors	WMSWCD, BPS	Tricia Sears	
10/21/2009	Meet with Multnomah County Commissioners	BPS, Multnomah County	Tricia Sears, Adam	
	and their staff. Commissioners Jeff Cogen		Barber, Karen Schilling	
	and Judy Shiprack.			
10/21/2009	SW Hills Residential League meeting. Roberta	BPS	Roberta Jortner	
	presents info about the Citywide Tree Project			
	and the Invasive Plant Project.			
10/22/2009	Invasive Trees meeting.	BPS, BES, BDS	Tricia Sears, Jennifer	
			Goodridge, Kaitlin Lovell,	
			Dave Kiewer, Kristin Day,	
			Jennifer Karps, Kim Tallant,	
			Emily Roth, Mark Wilson,	
			Angie Kimpo, Rob Crouch,	
			Kathleen Murrin, Dawn	
			Hottenroth, Mike Rosen,	
			Nancy Hendriksen, Maggie	
			Skendarian, Daniela Cargill	
10/26/2009	.5 FTE position meeting	BDS, BES, BPS	Tricia Sears, Roberta	
			Jortner, Kathy Harnden,	
			Jennifer Goodridge, Kim	
			Tallant, Michelle Seward,	
			Douglas Hardy	
10/28/2009	BES BPS check in meeting	BES and BPS	Tricia Sears, Roberta	
			Jortner, Kathy Harnden	
			Paul Ketcham	
10/28/2009	Email to project database to remind people of			
	the open house on Oct. 29 from 3 - 7 pm.			
10/29/2009	Project open house from 3 - 7 pm with staff	BPS, BES, citizens	Tricia Sears, Jennifer	
	presentation.		Goodridge	
11/2/2009	Presentation to the East Multnomah Soil &	EMSWCD, BPS	Tricia Sears	

	Water Conservation District Board of Directors			
11/9/2009	Tryon Creek Watershed Council. Roberta	BPS	Roberta Jortner	
	presents info about the Citywide Tree Project			
	and the Invasive Plant Project.			
11/10/2009	Planning Commission hearing at 12:30 pm.	BPS, BES	Tricia Sears, Jennifer	
	PC unanimously approved the project.		Goodridge, Roberta Jortner	
			Paul Ketcham, Kathy	
			Harnden	
11/13/2009	Jennifer Goodridge leaves BES and her position	BES	Jennifer Goodridge	
	as the City's Invasive Species Coordinator.			
11/18/2009	Email to project database to update people		Tricia Sears	
	on the project - Planning Commission approved			
	the project on 11/10/09.			
11/13/2009	Email to project legislative database to update		Tricia Sears	
	people on the project - Planning Commission			
	approved the project on 11/10/09.			
11/17/2009	Award presented to the Bureau of Environmental	BES, BPS, WMSWCD	Tricia Sears, Mitch Bixby,	
	Services (including BPS work on the Invasive		Paul Ketcham, Mary	
	Plant Project) as Government Cooperator of		Bushman, Jen Seamans	
	the Year; awarded by West Multnomah Soil			
	& Water Conservation District.			
11/23/2009	Discuss invasive plants code	Water Bureau & BPS	Tricia Sears, Angie Kimpo,	
			Tom Carter	
11/24/2010	Met with Bonny McKnight, Chair of the Citywide	BPS and citizen	Tricia Sears, Roberta	
	Land Use Group.		Jortner, Morgan Tracy	
Dec-09	Article about the project published in The South-	citizen	citizen	
	west Portland Post. Written by Lee Perlman.			
12/7/2009	BPS and BES check in meeting.	BPS and BES	Tricia Sears, Kathy Harnden	
			Roberta Jortner, Paul	
			Ketcham	

12/9/2009	BES Watershed Division meeting. Tricia's	BES, BPS	Tricia Sears, Paul Ketcham	
	presentation about the Invasive Plant Project.			
12/9/2009	East Portland Neighborhood Association.	BPS	Roberta Jortner	
	Roberta presents info about the Citywide Tree			
	Project and the Invasive Plant Project.			
12/10/2009	Discuss Title 29 administrative rules.	BPS, BES, BDS	Tricia Sears, Ed Marihart,	
			Dawn Hottenroth, Mitch	
			Bixby	
12/17/2009	.5 FTE position meeting.	BPS, BES, BDS	Tricia Sears, Kathy Harnden	
			Roberta Jortner, Paul	
			Ketcham, Mitch Bixby	
			Ross Caron, Rebecca Esau	
12/23/2009	BES BPS check in meeting.	BPS and BES	Tricia Sears, Kathy Harnden	
			Roberta Jortner, Paul	
			Ketcham	
1/4/2010	Email to the project database and the district	BPS	Tricia Sears	
	coalitions to update people on the project. Alert			
	them that the City Council hearing is 2/3/10			
	at 9:30 am and that the City Council report will			
	be available on 1/15/10.			
1/5/2010	Invasive tree meeting.	BPS, BES, BDS, Parks &	Tricia Sears, Kathy Harnden	
		Recreationn, Water Bureau	Morgan Tracy, Roberta	
			Jortner, Stephanie Beckman	
			Angie Kimpo, Kathleen	
			Murrin, Dave Kliewer, Dawn	
			Hottenroth, Kim Tallant	
1/7/2010	Citywide Land Use Committee special meeting	BPS, citizens	Eric Engstrom	
	with Mayor Sam Adams. Invasive Plant Project			
	mentioned by Bonny McKnight.			
1/8/2010	Public notice for City Council hearing mailed to	BPS	Tricia Sears, Chris Dornan	
	the project and the legislative databases.			

1/12/2010	Special meeting to confirm project support.	BPS, BES, BDS	Tricia Sears, Roberta	
			Jortner, Kathy Harnden	
			Paul Ketcham, Ross Caron,	
			Rebecca Esau	
1/15/2010	Planning Commission Recommended Report	BPS	Tricia Sears	
	to City Council available to the public.			
1/25/2010	Commissioner Assistant's meeting.	BPS, Commission Asst.	Tricia Sears, Roberta	
			Jortner	
1/25/2010	Citywide Land Use Committee meeting. Discuss	BPS and BES, citizens	Roberta Jortner, Tricia	
	Invasive Plant Project.		Sears, Paul Ketcham	
2/2/2010	Tricia's presentation at the CWMA "Pull	BPS, CWMA	Tricia Sears	
	Together" Conference.			
2/3/2010	City Council hearing at 9:30 am.	BPS and BES	Tricia Sears, Roberta	
			Jortner, Paul Ketcham,	
			Mitch Bixby, Kathy	
			Harnden	